

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of officers and members of the American National Red Cross, relating to amended by-laws recently adopted at a meeting of that organization—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Resolution of Local Union No. 459, Brotherhood of Carpenters and Joiners, Bar Harbor, Me., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CONNELL: Resolutions of the Chicago Board of Trade, against the incorporation of the Interstate Commerce Commission into the department of commerce bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Old Soldiers' Republican Club, of Vanderburg County, Ind., asking that honorably discharged soldiers of the civil war be placed on the pension roll at \$12 per month—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolution of Cigar Makers' Union No. 290, of Janesville, Wis., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. DALZELL: Petition of retail druggists of Greensburg, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Petition of William Moore, of Turney, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER (by request): Petition of the Woman's Christian Temperance Union of Fairmount, W. Va., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. D. Alexander and 38 other citizens of Thomasville, W. Va., asking that navigation of the Ohio River be improved so as to provide a 9-foot draft at extreme low water from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Resolution of the Central Federation of Labor of Troy, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. GARDNER of Massachusetts: Petition of druggists of Haverhill, Mass., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of New Bedford Board of Trade favoring passage of House bill 163, with regard to granting pensions to certain officers and men of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Petition of J. L. Hoffman and other retail druggists of Wapakoneta, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union, of Lockington, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Buckeye Lodge, No. 35, of Gallia, Ohio, Brotherhood of Railroad Trainmen, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Petition of 154 citizens of Louisville, Ky., for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. KEHOE: Petitions of sundry citizens of Dover, Maysville, and Catlettsburg, Ky., for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. LEWIS of Georgia: Paper to accompany House bill 16906, granting a pension to Ellender C. Miller—to the Committee on Pensions.

Also, papers to accompany House bill 16908, granting an increase of pension to Matilda Burks—to the Committee on Pensions.

By Mr. LLOYD: Petition of Frank Smith, of Leonard, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MERCER: Resolution of the Nebraska Irrigation Association with reference to agricultural bill—to the Committee on Agriculture.

By Mr. MEYER of Louisiana: Resolutions of the Cotton Exchange, Board of Trade, and board of health, of the city of New Orleans, La., favoring a pension to the widow of Walter Reed, late surgeon, United States Army—to the Committee on Pensions.

By Mr. MILLER: Petitions of the Christian Brotherhood and First Methodist Episcopal Church of Burlingame, Kans., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MINOR: Petition of the Annen Candy and Biscuit Company, favoring House bill 178—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of the Woman's Christian Temper-

ance Union of Fairhaven, N. Y., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Fairhaven, N. Y., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUCKER: Petitions of retail druggists of Norbourn, Brookfield, Bucklin, Moberly, and Spickard, Mo., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Petition of Jacob Dambach and other retail druggists of Hayes Center, Nebr., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, paper to accompany House bill 17067, to grant a medal to G. W. Churchill—to the Committee on Military Affairs.

Also, resolutions of the Nebraska Irrigation Association in relation to the agricultural bill and irrigation—to the Committee on Agriculture.

By Mr. SHERMAN: Resolution of the Trades Assembly of Utica, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SNOOK: Papers to accompany House bill for increase of pension of John A. Baughman, Defiance, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Henry Brown, Groverhill, Ohio—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Resolutions of various churches, signed by their respective pastors, for the early consideration of the antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of Hartford Lodge, No. 108, Order of Sons of Benjamin, Hartford, Conn., relative to immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of Branford, Conn., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to S. H. Morris—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Edward R. Chapman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to A. B. Melton—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of the Chamber of Commerce of San Francisco, Cal., asking Congress to grant an American register to the British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: Letter of C. H. Leonard, Grand Rapids, Mich., proposing a divisible postal currency—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, January 30, 1903.

Rev. F. J. PRETTYMAN, of the city of Washington, offered the following prayer:

Almighty God, we give Thee all honor and glory and praise forever and ever. Thy name is above every name. From Thee cometh every good and perfect gift.

We bless Thee to-day for the type of citizenship which has been produced by American institutions, for every refining influence that surrounds the home life, for the ample means for the education of the people, and for the high ideals of civil and social honor.

We praise Thee for the master spirits who have in times past wrought their thought and life into American law, and going to their reward above have left to us the rich inheritance of their lives. Their memory abides as a gentle benediction upon those who follow their noble example, and as an inspiration amid the pressing cares of the present. Help us to emulate their lofty deeds and to honor them by our endeavor to extend and perpetuate their unselfish patriotism. With every thought of those who have been the beacon lights in our history, with every tender memory of their presence in this Chamber, may we have the inspiration of this cloud of witnesses commanding us to yet follow in the path of duty and honor.

Let Thy blessing rest upon every thought of this Senate to-day. May all redound to the honor and glory of Thy name. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

STATEHOOD BILL.

Mr. QUAY. Mr. President, while I have the floor, I also ask unanimous consent that the unfinished business, being the statehood bill, which comes up as the regular order at 2 o'clock, be temporarily laid aside for the day in order that it may not interfere with the eulogies which are to be delivered on the late Senator from Michigan, Mr. McMILLAN.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the unfinished business, at 2 o'clock, may be temporarily laid aside during the remainder of the day in order not to interfere with the eulogies of which notice has been given. Is there objection? The Chair hears none, and that order is made.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate the annual report of the Commissioner of Patents for the year 1902. The large number of accompanying papers will be referred, with the report, to the Committee on Printing.

HEIRS OF ALICE HARDAWAY, DECEASED.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk to the Court of Claims, transmitting a certified copy of the findings by the court in the case of Alice Oakley, Susan B. Mason, H. W. Hardaway, J. W. Hardaway, T. M. Moore, administrator of M. B. Hardaway, deceased, heirs of Alice Hardaway, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 569) to establish the department of commerce and labor disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. MANN, and Mr. RICHARDSON of Alabama, managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message further returned to the Senate in compliance with its request the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin;

A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall;

A bill (H. R. 15922) to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and

A joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUSSELL.

Mr. PLATT of Connecticut. Mr. President, I wish to give notice that on Saturday, February 14, at 4 o'clock in the afternoon, I will present resolutions in commemoration of the life and character of Hon. CHARLES A. RUSSELL, late a member of the House of Representatives from the Third district of Connecticut.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BURKE.

Mr. CULBERSON. Mr. President, I desire to give notice that on Saturday, February 14, at 3 o'clock, I will present to the Senate appropriate resolutions with reference to the death of ROBERT EMMET BURKE, late a member of the House of Representatives from the State of Texas.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Local Division No. 119, Order of Railway Conductors, of Fort Wayne, Ind., praying for the passage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

He also presented a petition of the Motsinger Device Manufacturing Company, of Pendleton, Ind., and a petition of the Haynes-Apperson Company, of Kokomo, Ind., praying for the enactment of legislation providing for the permanent improvement of public highways; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Igleheart Brothers, of Evans-

ville, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce;

He also presented a petition of 30 members of the Methodist Ministerial Association of Indianapolis, Ind., praying for the enactment of legislation to restrict immigration, and also to prohibit the sale of intoxicating liquors in Government buildings; which was ordered to lie on the table.

He also presented a petition of Carpenters and Joiners' Local Union No. 431, American Federation of Labor, of Brazil, Ind., and a petition of the Central Labor Union, American Federation of Labor, of Terre Haute, Ind., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 240, of Lafayette; of Local Union No. 19, of Fort Wayne, and of Local Union No. 58, of Fort Wayne, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Southwestern Broom Manufacturing Company, of Evansville; of the Kelly Ax Manufacturing Company, of Alexandria, and of the Vajen-Bader Company, of Indianapolis, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the New England Shoe and Leather Association, of Boston, Mass., praying for the ratification of the Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

Mr. DRYDEN presented a petition of Council No. 262, Junior Order United American Mechanics, of Rutherford, N. J., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a petition of Lodge No. 329, International Association of Machinists, of Bound Brook, N. J., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of J. Wise & Sons Co., of Newark; of the Mercer Rubber Company, of Trenton, and of Janeway & Co., of New Brunswick, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of L. F. Miller, of Camden; of J. H. Ballinger, of Haddonfield; of R. T. Shafer and sundry other citizens of Millstone; of Jacob B. F. Sing, of Vineland; of Charles W. Goudy, of Haddonfield; of Elwood L. Davis, of Bound Brook; of J. G. Entekin, of Vineland; of C. F. Smith, of Vineland; of George W. Swing, of Vineland; of Frank W. Mershow, of Haddonfield; of Andrew Ballentine and sundry other citizens of Bedminster; of William J. Hamtin, of Haddonfield; of W. S. Dungan, of Vineland; of Rev. J. Barraclough, of Vineland; of W. E. Hughes, of Vineland; of J. S. Winslow, of Vineland; of Eugene C. Temple, of Vineland; of Charles G. Wanisies, of Vineland; of Jonathan Wilds, of Vineland; of William S. Capern, of Haddonfield; of James Chance, of Vineland; of A. H. Concklin, of Closter; of Mary Hetfield, of Dunellen; of M. Peal, of Bayonne; of W. H. Roberts, of Atlantic Highlands, and of Rev. William G. Robinson, of Newfield, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. HANSBROUGH presented a memorial of sundry citizens of Absaraka, N. Dak., remonstrating against the repeal of the present anticanteen law, and praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was ordered to lie on the table.

Mr. CLAY presented a memorial of the New York Cotton Exchange, remonstrating against the merging of the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Central Labor Union of Vigo County, Ind., and a petition of Local Union No. 806, United Brotherhood of Carpenters and Joiners, of Rushville, Ind., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. CLARK of Montana presented a petition of Butte City Lodge, No. 88, International Association of Machinists, of Butte, Mont., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. COCKRELL. I present a petition of Council No. 32, Junior Order of United American Mechanics, of St. Louis, Mo., which is very numerous signed, praying for the passage of the immigration bill. I move that the petition be referred to the Committee on Immigration.

The motion was agreed to.

Mr. QUARLES presented a petition of the State Federation of Women's Clubs of Wisconsin, praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented a petition of Elmo Lodge, Brotherhood of Locomotive Firemen, of Madison, Wis., and a petition of Baraboo Division, No. 68, Order of Railway Conductors, of Baraboo, Wis., praying for the passage of the so-called anti-injunction and conspiracy bill; which were ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly, American Federation of Labor, of West Superior, Wis., remonstrating against the repeal of the revenue-stamp tax on eighth kegs of beer; which was referred to the Committee on Finance.

He also presented petitions of the Trades and Labor Council of Fond du Lac, of the Amalgamated Wood Workers' Council of Milwaukee, and of Typographical Union No. 23, of Milwaukee, all of the American Federation of Labor, in the State of Wisconsin, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of the congregation of the Methodist Episcopal Church of Bayfield, Wis., and a petition of Local Branch, Independent Order of Good Templars, of Bayfield, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any property owned by the Government; which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Humane Society of La Crosse, Wis., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Carpenters and Joiners' Local Union No. 955, of Appleton; of Stone Mason's Local Union No. 5, of West Superior; of the Trades and Labor Council of Kenosha; of Carriage and Wagon Workers' Local Union No. 33, of Racine; of Carpenters and Joiners' Local Union No. 657, of Sheboygan; of the Musicians' Association of Milwaukee; of the Lithographers' Protective and Beneficial Association of Milwaukee; of the Trades and Labor Council of Oshkosh; of the Federated Trades Council of Waukesha; of Cigarmakers' Local Union No. 363, of Waukesha; of Local Union No. 6, of Racine, and of Local Union No. 108, of Racine, all of the American Federation of Labor, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of District Lodge No. 124, Order of B'rith Abraham, of Washington, D. C., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. KITTREDGE presented a petition of Labor Union No. 14, Western Federation of Mines, of Deanwood, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. MASON presented a petition of the Woman's Christian Temperance Union of Normal Park, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and Soldiers' Homes, and remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Princeville, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the congregation of the Free Methodist Church of Harvey, Ill., and a memorial of the congregation of the Presbyterian Church of Harvey, Ill., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the National Board of Trade, praying for the appointment of a permanent tariff commission or a commission under the proposed department of commerce and industries; which was ordered to lie on the table.

He also presented a petition of the New Orleans Cotton Exchange, of New Orleans, La., praying for the enactment of legislation granting a pension to the widow of the late Walter Reed, surgeon, United States Army; which was referred to the Committee on Pensions.

He also presented a memorial of the New York Cotton Exchange, remonstrating against merging the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr.

GALLINGER on the 22d instant proposing to appropriate \$100,000 for continuing the work on the Connecticut avenue bridge, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14605) granting an increase of pension to John T. Knoop; and

A bill (H. R. 16465) granting an increase of pension to William H. Knepple.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 5167) granting an increase of pension to John G. Nowman, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 3309) for the relief of Mary A. Shufeldt, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 15961) granting an increase of pension to Jane C. Welch, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 14899) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission," reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2812) granting a pension to Susan Kent;

A bill (H. R. 14168) granting a pension to John B. Anderson; and

A bill (H. R. 14889) granting a pension to James T. Lundy.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7166) granting an increase of pension to Fanny Farmer, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 15799) to confirm the name of Seward Square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11790) granting an increase of pension to Abel Woods; and

A bill (H. R. 16512) granting an increase of pension to John Dinneen, now known as John J. Davidson.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 1340) for the relief of W. W. Jackson, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced a bill (S. 7187) granting an increase of pension to Caleb F. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7188) to correct the military record of Charles Chaney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLARK of Montana introduced a bill (S. 7189) granting a pension to John W. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 7190) authorizing the appointment of Eugene L. Swift to the active list of the Army; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7191) for the relief of the estate of John Simkins, deceased (with the accompanying papers);

A bill (S. 7192) conferring jurisdiction on the Court of Claims

to try, adjudicate, and determine the claims of Alexander Thompson and others for compensation for carrying the mails and pay for the discontinuance of postal service; and

A bill (S. 7193) for the relief of James S. Redd (with the accompanying papers).

He also introduced a bill (S. 7194) authorizing the issuance of letters rogatory by the Commissioner of Patents, and providing for the execution of letters rogatory issued from foreign patent offices; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7195) granting an increase of pension to Caleb B. Lincoln;

A bill (S. 7196) granting a pension to Thomas Cook;

A bill (S. 7197) granting an increase of pension to Bettie Lee Ward;

A bill (S. 7198) granting a pension to Chloe Yokley; and

A bill (S. 7199) granting an increase of pension to John Ross.

He also introduced a bill (S. 7200) granting an increase of pension to Sarah V. Rearick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 7201) to increase the limit of cost for the public building at Evanston, Wyo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SIMON introduced a bill (S. 7202) granting an increase of pension to Fanny B. Orwan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McLAURIN of Mississippi introduced a bill (S. 7203) granting an increase of pension to Mrs. Steele; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7204) granting a pension to Louisa A. Robinson (with the accompanying paper);

A bill (S. 7205) granting an increase of pension to Samuel Downey (with the accompanying papers); and

A bill (S. 7206) granting an increase of pension to Harvey T. Peirce (with the accompanying papers).

Mr. GALLINGER introduced a bill (S. 7207) granting an increase of pension to May Mosher Chase; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON (by request) introduced a bill (S. 7208) providing for the transfer of persons from the unclassified to the classified service of the United States; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAY submitted an amendment proposing to appropriate \$5,000 to enable the Department of Agriculture to study the character and extent of adulterations of the oil of turpentine and other products of the pine forests, intended to be proposed by him to the agricultural appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. MASON submitted an amendment proposing to appropriate \$200,000 for the erection of new hospital buildings upon the grounds of the Freedmen's Hospital, in the District of Columbia, and providing regulations for the government of the same, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be, and it is hereby, authorized to employ an assistant clerk, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of \$1,440 per annum until otherwise provided by law.

EXECUTIVE REGISTER OF THE UNITED STATES.

Mr. CLAPP submitted the following resolution; which was referred, with the accompanying papers, to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be directed to procure for the use of the Senate 2,000 copies of the "Executive Register of the United States, 1789 to 1902," provided the price shall not exceed the sum of \$1.25 per copy.

THOMAS KENNEDY.

Mr. WELLINGTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Thomas Kennedy be employed by the Sergeant-at-Arms as laborer in the Senate folding room at a salary of \$840 per annum, to be paid from the contingent expenses of the Senate, the said employment to take effect March 15, 1903.

COURTS IN ARKANSAS.

The PRESIDENT pro tempore laid before the Senate the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas, returned from the House of Representatives in compliance with the request of the Senate.

Mr. BERRY. I ask unanimous consent that the votes by which the bill was ordered to a third reading, read the third time, and passed, be reconsidered, and that the bill be indefinitely postponed, a similar bill having passed both Houses.

The PRESIDENT pro tempore. The votes by which the bill was ordered to a third reading and passed will be reconsidered, and the bill will be indefinitely postponed.

HOUSE BILL REFERRED.

The bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. BERRY. I ask the Chair what disposition was made of the resolution submitted by the Senator from Utah [Mr. RAWLINS], which went over yesterday.

The PRESIDENT pro tempore. The Chair was just about to lay it before the Senate.

Mr. BERRY. I had intended, and I desired, to make a few remarks on the resolution this morning, but I am informed that the Senator from Michigan [Mr. BURROWS] desires to go on with the order for to-day, and I ask that the resolution may go over, retaining its place.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the resolution to which he refers may retain its place, without prejudice, on the table. Is there objection?

Mr. LODGE. Are there any other resolutions which come over from a previous day?

The PRESIDENT pro tempore. There is no other resolution. The Chair hears no objection.

MEMORIAL ADDRESSES ON THE LATE SENATOR JAMES M'MILLAN.

Mr. BURROWS. Mr. President, in conformity with the notice already given, I ask the Senate to consider at this time the following resolutions.

The PRESIDENT pro tempore. The Senator from Michigan submits resolutions which will be read to the Senate.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES MCMILLAN, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect at the conclusion of these exercises the Senate adjourn.

Mr. BURROWS. Mr. President, the life of Senator MCMILLAN fell somewhat short of the allotted span. He died at the age of 64. If it be true, however, that the value of a human life is determined not by years, but by deeds, then the sixty-four years of his life were all that could be desired and filled to the full the measure of human ambition. They were ample to develop and round out the dominating traits of his character and leave their enduring impress upon the private and public affairs in which he bore so conspicuous a part. More than this, they were sufficient for the maturity of those manly virtues which so endeared him to his associates and make the memory of his life a priceless heritage to his family and friends.

The parents of Senator MCMILLAN came from Scotland in 1834, and settled at Hamilton, in the Province of Ontario, Canada, where in 1838 JAMES MCMILLAN was born. The elder McMillan brought with him the rugged characteristics of the Scotch race, and by his sterling qualities secured the confidence and respect of the community in which he lived, and became a recognized factor in the industrial affairs of the Province. Identified with the construction of her railways, the establishment and management of banks and other industrial and financial enterprises, he soon won for himself a place of influence in the business affairs of the community in which he resided. It was in the midst of such environments that the son, JAMES MCMILLAN, was reared, and these surroundings were potent in shaping and molding his course in all the after years. He early imbibed a taste for business affairs, and although the way was open to him to acquire the learning of the schools, the bent of his mind was in another direction, and led him at an early day to engage in the active pursuits of a business life.

As a mere lad at the age of 13 he became a clerk in a mercantile establishment in Hamilton, the duties of which position he

discharged with fidelity and ability, and in 1855, at the early age of 17, he determined to make his own way to fortune and fame, and leaving the parental roof settled in Detroit, Mich., the city and State destined to become his future home. Here he at once entered upon his business career, beginning at the bottom of the ladder, but with firm hand and resolute step he quickly reached the topmost round. He manifested such rare capacity and business integrity in subordinate positions as to attract the attention of his employers, and when but 19 years of age was called to the responsible position of purchasing agent of the Detroit and Milwaukee Railroad, then the chief railroad line in the State, and when the extension of the road was determined upon he was intrusted with the financial management of the enterprise, making the purchases and taking charge of the force engaged in the construction of the work.

In all these varied and responsible positions he acquitted himself with marked ability, foreshadowing the remarkable business career which awaited him. Gaining the confidence of the capitalist by his upright dealings and conservative judgment, he early became connected with many of the leading industries of his city and State, and took a master hand in their development and control. His unquestioned integrity, his business sagacity, his stability of purpose, his unflagging energy, and his indomitable pluck coupled with a self-reliance that no obstacle could impede and no misfortune disturb, made him a commanding figure in the industrial affairs of his city and State. These dominating qualities of head and heart won for him recognition with his business associates and rapid advancement to places of responsibility and power. His financial success was already assured.

At the head of numerous and gigantic manufacturing establishments; manager of great corporations in his own and other States, which he had been instrumental in organizing and promoting; director in banking institutions; president of railway and steamship companies—he attained an unquestioned place in the industrial field, which he continued to hold with ever-increasing power until the hour of his death. A leading journal of Detroit, speaking in his lifetime of his business achievements, fittingly said of him:

Mr. McMILLAN is possessed of an abundant fortune. He earned it by hard work and bold and intelligent enterprises, which have not only made him wealthy, but have added tens of millions to the wealth of Detroit, furnished steady and remunerative employment to thousands of his fellow-citizens, and supported tens of thousands of families. He has added to the beauty of the city, not only by the construction of factories where labor is employed, but by the construction of many handsome business blocks, which are an ornament to Detroit. * * * In scores of cases that every business man can recall he has taken broken enterprises which other men's incompetence had ruined, and has built them up into successful concerns, to the profit and enrichment of the whole city.

His business career left nothing to be desired, and at the age of 64 he held a commanding position in the industrial world, with an ample fortune for himself and his children.

He was not only successful in acquiring a fortune, but was also a most liberal giver. The accumulation of great riches not infrequently engenders a spirit of greed and selfishness which make their possessor indifferent to public or private needs. No such spirit found a lodgment in Senator McMILLAN's breast. In his philosophy the possession of riches imposed upon its possessor obligations to the citizen and the State which could not be ignored. He dispensed public and private benefactions with a liberal hand and his heart was always open to the appeals of the deserving poor. His giving was as unostentatious as his life was simple and retiring. It is said that when absent from his home, not infrequently for protracted periods, it was his custom to enjoin upon the head of the associated charities of his city to see to it that no deserving family be allowed to suffer and to draw on him for whatever was necessary to furnish needed relief. He was a regular contributor to the associated charities not only of his own city, but of the city of Washington, in which he took during the entire period of his public career a deep and abiding interest. His charities, however, were not limited or confined to individual instances of distress which perchance fell under his notice in the everyday walks of life, but his benefactions took a wider range and encompassed a broader field, reaching beyond the demands of the present to the possible exigencies of the future. A single instance will serve to exemplify his broad philanthropy.

An unfortunate cripple, friendless and penniless, one day appealed to him for financial aid to enable him to secure admission to some hospital where he might obtain surgical treatment and necessary care. The requisite funds were promptly supplied and admission secured. This incident, however, brought forcefully home to Senator McMILLAN the fact that the city of Detroit had no free hospital where the unfortunate poor could be admitted and cared for "without money and without price." This condition appealed to his generous, sympathetic nature and prompted him to immediately inaugurate a movement which, with the generous cooperation of others, resulted in the erection of Grace Hospital—a memorial to the memory of the sainted dead and a free asylum to the unfortunate living.

But his benefactions were not confined to instances of charity. He sought opportunity to give where by so doing he could promote the interests of deserving young men. His business offices were the training school for young men of business ability, and he always counted it among the greatest pleasures of his life that he had been able to assist so many young men to a successful business career.

In his political affiliations he was always an ardent, consistent Republican, but he was never an extreme partisan. To the fundamental principles of his party he was devotedly attached, and to them he maintained a steadfast allegiance in victory or defeat and sought by every legitimate means at his command to secure their establishment and continuance in governmental affairs. It is doubtful if in the beginning he had any ambition for public life or dreamed of political preferment, but when the standard of his party fell from the strong hand of the intrepid Chandler, and his party called him to duty, he took the work of party leadership with the same courage and confidence that had characterized his business life and in more than one hard-fought battle led his party to victory. He exhibited in the political field the same sagacity and fixedness of purpose which have characterized his business life, and the great body of the party came to lean upon him with implicit confidence and followed his directions with unquestioned faith. He became the recognized leader of his party in the State, as he had been the acknowledged master of the business interests intrusted to his charge.

His fidelity to his party and the confidence reposed in him by the great body of the people singled him out for promotion to a seat in this body, and on the 4th day of March, 1889, he took his place in this Chamber as a Senator from the State of Michigan, a position which he retained, with ever-increasing influence, until the day of his death. Thrice elected to the Senate, and sometimes by the unanimous vote of the legislature, he retained in a remarkable degree the allegiance of the people and commanded their universal confidence and esteem. Of his services in this body others with more extended knowledge can more fittingly speak; but I hazard nothing in saying that, while not a ready debater on the floor of the Senate, yet his words always commanded attention and carried conviction, while in the committee room, where all legislation is formulated and matured, he was a wise and helpful counselor and a recognized power in constructive legislation.

His long training in business affairs gave him a grasp of public questions which few possess. He brought to the discharge of his legislative duties in this body, always important and many times perplexing, not the learning of the university nor the uncertain conclusions of the mere theorist, but he commanded rather a practical and comprehensive knowledge of business affairs in all their varied ramifications, acquired in the school of experience, which enabled him to grasp and comprehend the fundamental principles upon which all just and enduring legislation is founded. He was, therefore, specially fitted for the discharge of legislative duties in these times. This is preeminently a business age—an era of marvelous industrial activity and development, giving rise to new and complicated conditions requiring for their adjustment the most patient examination and conservative judgment.

Could the life of Senator McMILLAN have been spared and prolonged to the close of the term for which he was elected, enabling him to participate in the deliberations of this body in connection with the industrial problems now confronting us, I have no question but that his long and varied experience in business affairs, his incomparable judgment and conservative character would have contributed in no small degree to their just and successful solution. But his untimely death has deprived the country of his wise and helpful judgment. He will be missed in the Senate, in the committee room, in the councils of his party, in the business arena, in the marts of trade, in the State and the Nation, and most of all in the now broken circle of family and friends, who will hold his memory in enduring affection through all the years to come.

As we looked into his face for the last time and recalled his manly virtues, his Christian character, and his exemplary life, our lips involuntarily voiced the words of Tennyson:

O iron nerve to true occasion true,
O fall'n at length that tower of strength
Which stood four-square to all the winds that blew!

But on such an occasion speech is impotent.

Nothing can measure his high character but heaven;
No monument set off his memories
But the eternal substance of his virtues—
To which I leave him.

Mr. ALLISON. Mr. President, this day has been set apart by the Senate as a memorial day to enable his late associates in this body to give proper expression of their appreciation of the work, the worth, and the public services of the late Senator McMILLAN during the period of his membership here as a Senator from the State of Michigan. I wish to contribute briefly to this expression. These exercises are not perfunctory in their character,

They are based upon the friendship and esteem of his associates for him as a Senator and as a man, and to enable them to give utterance to their appreciation of the value of his work here, and of his counsel upon the public questions which from time to time have appeared for consideration and decision by the Senate.

His colleague [Mr. BURROWS] has spoken at large upon the leading incidents and events of his life. These disclose that he was essentially "the architect of his own fortune," and that by his own unaided efforts he made his way to the high position he held at the time of his death. He was a business man in the broadest sense, and achieved great success as such before coming to the Senate.

He was born of Scotch parents in one of the Canadian provinces. When still a young man he removed to Michigan, and made his home in Detroit. He quickly won the confidence and esteem of its leading business men by integrity and industry and by showing capacity and foresight as to what could be done and what ought to be done for the growth and development of that city.

These characteristics soon enabled him to associate himself with others having like qualities, and also having capital to invest in enterprises which he believed would be remunerative. So at an early age he became largely interested in some of the most prosperous manufactories of the city, many of them being organized by him, and he was intrusted by others with large affairs, in that way soon becoming one of the leading factors in the business of that community.

He became interested in the transportation interests on the Great Lakes, providing vessels for a constantly increasing commerce, and he also connected himself with, and became financially interested in, several of the banks of the city. All these interests were closely interwoven with the growth of Detroit.

He took a deep interest in the municipal affairs of the city, especially as related to its development and beautification. Any one now visiting Detroit will recognize it as one of the most beautiful, if not the most beautiful, city in the United States outside of this capital; its streets and avenues radiating from a common center and splendidly improved, leading to parks and spaces, beautified with drives and walks, lawns and trees—all for the use, comfort, and recreation of the people. He gave much attention to this subject and his mind and heart were in the work.

Detroit was originally planned by the same accomplished engineer who laid out the city of Washington, but a plan on paper is of little value, as we know, unless there is energy, public spirit, and good taste in its execution, coupled with some sacrifice by the taxpayers, whoever they may be, to provide the necessary means for such improvement. Senator McMILLAN favored such expenditures, believing them to be wise, useful, and beneficial. He contributed largely to public and private beneficences, founding hospitals and providing for their maintenance.

These characteristics made him a leading and distinguished citizen of his home city of Detroit and of the State of Michigan. His enterprise, his success in business, and his beneficences were not confined to the city in which he lived, but were extended to many parts of the State of Michigan. Thus, he was well known in his own State, and generally in the Northwest, before he came to the Senate, for his business activity, energy, and success, as well as for his philanthropy.

Absorbed in business as he was during the earlier period of his life, he did not, as I understand, take a very active part in what are usually called the political affairs of the State, but as a Republican he supported the leading policies of his party and contributed largely to its success.

When the late Senator Zachariah Chandler, who had rendered his State and country distinguished service in the Senate and in the Cabinet during a most critical period in our history, and who at that time was regarded as the most eminent citizen of the State of Michigan, relinquished the chairmanship of the Republican State central committee, Mr. McMILLAN was fitly chosen as its chairman, which brought him into the active politics of the State, to which position he was many times reelected, though neither seeking nor holding public office.

A vacancy occurring in the Senate in 1889 he was elected by his party as a member of this body, having been unanimously chosen by the Republican members of the legislature, the people of that State believing what we know by observation and experience, that those who are successful in their own business affairs because of their enterprise, energy, and probity, have the training and the qualifications which are of the greatest value in the consideration of the many public questions which are necessarily submitted here for decision, as all the great interests of our country are affected for good or ill by our legislation from year to year or by our failure to legislate when the public necessity requires.

Though the late Senator McMILLAN came here with little knowledge, perhaps, of the traditions and methods whereby legislation is accomplished or fails, he came well equipped for the real duties of the place, having a wide knowledge of the material interests of our country as respects its varied productions and their distri-

bution, as well as of the great currents of trade, both internal and external. These qualities soon became known to his colleagues by association in the committee room and on the floor of the Senate, and consequently he early took high rank as a Senator in this body.

On his becoming a member of the Senate he was appointed a member of the Committees on Agriculture, District of Columbia, and Post-Offices and Post-Roads, and was made chairman of the Committee on Manufactures, all of these being committees of importance.

The Senator's activity and interest in the growth and beautification of his home city naturally led him to take a deep interest in the local affairs of the District of Columbia, and he soon became the leading spirit in the consideration of all questions relating to the District coming before that committee. He became active in promoting improvements by opening and improving streets and avenues and by improving and beautifying the parks and open spaces for the health, comfort, and recreation of the people dwelling or sojourning here.

He also took an active interest in the water supply, the sewerage system, and other general improvements of like character. Of the first named, after an exhaustive examination by his committee of the various filtration systems, he made a report recommending a plan for such filtration, which was adopted by Congress and is now in process of execution, which will give the city of Washington and its people, within the next two years at farthest, a full supply of pure water now so much needed. His zeal in behalf of these various improvements was most conspicuous after he became chairman of the committee, in 1895.

He devoted much time during the last years of his service to the promotion of the general beautification of the city of Washington by having a comprehensive plan prepared, under the direction of his committee, with the view that all subsequent improvements should be made as nearly as practicable in accordance with such plan, so that the money gathered here by local taxation or by appropriation from the general Treasury should be expended, whether in the immediate or more distant future, according to such plan, so that instead of making improvements in a haphazard way future improvements should be made in accordance with a comprehensive scheme, having in view convenience, order, system, utility, and beautification. It was not intended or expected that this plan, thus worked out by the aid of skilled architects would be completed for many years, but that when completed the streets, avenues, parks, spaces, and public buildings would be so coordinated and correlated as to make this capital one of the most beautiful, if not the most beautiful, in the world, and worthy in every way of the great country whose power and glory it symbolizes. This was the hope of the late Senator, Mr. McMILLAN, and that it will in the main be realized as time goes on I have no reason to doubt.

Although Senator McMILLAN gave constant and assiduous attention to the affairs of this District, a few instances of which I have enumerated, and because of it won the affections of its people, he in no wise neglected the wider interests of the entire country or of the great section of which Michigan constitutes a part.

His experience in the building and running of ships on the Great Lakes led him to take a deep interest in the rebuilding of our Navy, and he was assigned to the first vacancy in the Republican membership of the Naval Committee, where he performed signal service in the consideration and perfection of measures looking to a reasonably rapid growth of our Navy, and was a valuable member of that committee at the time of his death.

About the same time he also became a member of the important Committee on Commerce, having charge of all the great subjects relating to our waterways, rivers, harbors, etc., and making large appropriations during each Congress for their improvement. Living midway of the Great Lakes, he had special and intimate personal knowledge of the increasing needs of the rapidly growing commerce of that region, and contributed largely of this knowledge and his own experience in the adjustment of measures affecting it, and his judgment respecting such measures had great weight. But upon that committee, as upon every other, his vision was wide enough to include the material interests of the whole country, and he favored making appropriations in aid of our commerce wherever they could properly be made to enlarge and expand it. Such are the vicissitudes of the committees of the Senate that, although placed upon that committee as late as 1895, at the time of his death he stood second in rank to its present able and efficient chairman.

At the beginning of the present Congress Senator McMILLAN, in addition to the other duties assigned him, was made a member of the Committee on Appropriations, an important service, for which he was well equipped. Here he rendered valuable assistance in the consideration of bills appropriating money during the last session, and notably in aiding in the preparation of a measure revising the tax system of the District of Columbia, exceptional conditions requiring such revision on the District appropriation

bill. The loss of his service on that committee is and will be deeply deplored.

From this brief recital it will be seen how important was the legislative career of our departed friend, and how closely he was related to all the great measures considered by the various committees of which he was a member and finally crystallized into law by the two Houses of Congress.

It must be said of him that he was constant, assiduous, and patient in the examination and investigation of every subject committed to his care, and that his judgment and counsel were of great value, bringing, as he did, to the consideration of all subjects wide knowledge, great experience, and sound common sense.

In all his relations with his associates in the Senate he was amiable and courteous in a marked degree, considerate of their views and opinions, and he invariably sought to be impartial in his judgments, without reference to locality or to party differences.

These qualities won for him the esteem and affection of all his associates here, and his loss is deeply deplored by every Senator who served with him.

I have spoken chiefly of Senator McMILLAN as a Senator; but that is not all that should be said of him in giving an outline of his character.

He was an ideal man in his conduct in all the varied relations of life. He was a just man, following the Golden Rule in all his transactions and associations. There was no man whose character was more spotless, whose sense of honor and justice was more keen, who contributed more liberally, according to his means, to public and private charity, or who was more willing to relieve distress as it appeared. Though unassuming in manner, he was dignified and well poised. No one feared to approach him on any subject, knowing that he was certain to receive respectful attention. Whole souled and sympathetic, those in distress were sure to find in him sympathy and relief. Generous but unostentatious in his charities, he was always contributing liberally to worthy objects.

Socially he was a general favorite and always a welcome guest. His home was a most agreeable and hospitable one, where friends and acquaintances were always cordially welcomed. Genial and warm-hearted in his nature, he was fond of the society of his friends and companions, deriving constant enjoyment from his agreeable intercourse with them. Here his manners were easy, prepossessing, and unaffected. He possessed a charming and winning personality. There was a warmth and directness in what he said and did that won and held the esteem and affection of those with whom he came in contact.

He was a valued friend—none more faithfully cherished, none more loyal and true. His friends knew well that, whether absent or present, no disparaging suggestion would come from him, nor was he ever found wanting in fidelity and zeal on their behalf when occasion required.

In his home he was unexcelled in virtue and purity. He was the guide and exemplar of a lovely household, with a devoted wife of high intelligence and amiable disposition, sympathizing with and aiding him in all his ambitions, struggles, and successes. Grouped around them were devoted children, always ready to contribute their part to make the household an ideal one, free from the slightest friction or discord. The atmosphere there was pure and healthful. Whoever crossed its threshold found a hearty welcome and a genial hospitality. His noble and generous example in all these respects may well be emulated by those who survive him.

In that home his death left a deep and abiding sorrow, and with it is blended the sorrow felt in this Chamber by all who had the fortune to be associated with him and who felt the kindly touch of his companionship. His loss will be deplored, not only by the people of his own city and State, but by the people of the entire country.

We to-day pay tribute to his eminent public service, to his worth as a Senator and as a man, and will long cherish his many noble qualities of mind and heart. To me the death of Senator McMILLAN is a peculiar and personal grief, for I knew him long and loved him well.

Mr. COCKRELL. Mr. President, again the Senate of the United States is called upon to suspend its legislative duties and labors to pay the just tribute of respect, friendship, and honor to the memory of a deceased member, Hon. JAMES McMILLAN, late United States Senator from the State of Michigan.

Hon. JAMES McMILLAN was born on May 12, 1838, in Hamilton, Ontario, Canada, of Scotch parents, who emigrated from Scotland in 1836 and settled in Hamilton.

His father, William McMillan, was prominent in railroad and business affairs, and gave his son James the best educational facilities obtainable preparatory to a professional career in life.

The son, however, had definite ideas of his own for his future life work.

From his parents he inherited a strong body, a vigorous, well-balanced mind, steady, persevering energy, laudable ambition, exemplary habits, high moral ideals, and self-reliance.

At the age of 14 he left school and was apprenticed to a hardware merchant, and faithfully and industriously served his probation of four years, during the last year having practically control of the business.

His apprenticeship ended, he had flattering business offers made him in his native land, which he declined. Believing there were much better opportunities for his future success and life work in the United States than in his own country, he came to Detroit, Mich., a stranger among strangers.

He secured employment as a clerk in a wholesale hardware store and gave the business his closest attention for two years, when the panic of 1857 compelled the company to retrench, and Mr. McMILLAN had to go, with many others. His thorough business qualifications had become recognized, and he soon secured the position of purchasing agent for the Detroit and Milwaukee Railroad, the duties of which he discharged with such fidelity and integrity as to attract the attention and admiration of Mr. Samuel C. Ridley, who was the contractor for the construction of the railroad from Lowell to Grand Haven, and who secured his service to employ men, purchase supplies, and transact the financial business. Whilst engaged in this work in the absence of the contractor, he had an ordeal to test his young manhood, practical experience, and sound judgment.

Some pressing contract work had to be done promptly. The men employed went on a strike and quit work.

Undaunted and undismayed, young McMILLAN made his appeal to the striking men, and by his open, frank, manly, honest, sensible talk and unassuming ways he induced the strikers to return to their work and achieved a decisive victory, when only 20 years old, in a situation which would have been a severe test for a much older and more experienced man. When the contract was completed, in 1861, he declined an offer of the same contractor and went back to his former position as purchasing agent. He had now been married to Miss Mary Wetmore, a most estimable and worthy young lady, and went to housekeeping, on a salary of \$60 per month, in a modest little house in the rear of the palatial residence afterwards acquired and in which he resided at the time of his decease, and from whose back windows he could look down upon the humble home in which he and his young bride began their married life with economy, frugality, and industry, hoping, aspiring, and laboring for more prosperous days and conditions. He regularly attended the Presbyterian Church and gained the confidence, esteem, and respect of the good people, and never lost them to the day of his death.

His pathway to success in business affairs was not strewn with flowery beds of ease and constant success.

He had his trials and failures. His unquestioned integrity, his close attention and devotion to his duties, his practical, common-sense judgment, his honorable business methods, his straightforward, manly, unassuming ways, and his genial, cordial, friendly disposition inspired universal respect and confidence and enabled him to triumph in the end over all failures and reverses and to achieve wonderfully lucrative results for himself as well as for many others with whom he became associated in the many business corporations and enterprises in which he engaged and with which he became associated. Detroit is a large manufacturing center. Many of the largest industries of the city owe their initiative to JAMES McMILLAN, in which he was interested either as stockholder, director, or officer. To read the list of these industries and enterprises in which he was so engaged is like reading a fairy tale. We wonder how it was possible for him to have done so and to have become so potential a factor in their management. His financial success was not attained by penuriousness. On the contrary, he was liberal and generous to churches, schools, and all charitable and eleemosynary enterprises.

These numerous business enterprises and investments were necessarily a severe strain upon both his mental and physical powers. Notwithstanding these constant demands upon his time and energy, he always took a lively interest in public affairs.

Politically Senator McMILLAN was a strong Republican, but never partisanly offensive. In 1874 he began an active participation in political affairs, was a member of the Republican State central committee, and in 1879 he succeeded Hon. Zachariah Chandler as chairman of the State central committee, and was repeatedly reelected to the same position.

In 1889 he was the unanimous choice of the Republican members of his State legislature, and was elected to succeed Hon. Thomas W. Palmer for the term beginning March 4, 1889. In 1895 he received every vote in the joint legislative convention for reelection. He was reelected in 1901 for the term expiring on March 3, 1907.

At the time of his death he was chairman of the Committee on the District of Columbia and a member of the Committees on

Appropriations, Coast and Insular Survey, Commerce, Corporations Organized in the District of Columbia, Naval Affairs, and Relations with Cuba.

He was an industrious, intelligent, faithful, and worthy Senator, and took an active part in shaping the legislation and conducting the business of the Senate, and wielded a strong influence.

From a party standpoint his speeches on the controverted questions of the tariff and finance were forceful and effective.

He indulged in no oratorical display, but relied upon plain statements of facts and figures, and arguments therefrom, and was methodical and painstaking in his duties and his efforts.

My personal acquaintance with him began with his entrance in the Senate, and as the years passed by and our duties drew us into personal and official relations our friendship and confidence grew and strengthened and we became warm personal friends. I respected, admired, and loved him for his many noble, manly, cordial, genial traits and characteristics. I was sincerely grieved when I read in the morning press the announcement of his untimely death in the prime of life, in the meridian of his usefulness in the country and among the people of his adoption, and in the fullness of the honors his State and the people of his country could bestow upon him. It was my sad privilege to be one of the members of the Senate appointed to attend his mortal remains to their last resting place in the city of his adoption, among the people with whom he had been intimately associated from his boyhood to his mature manhood in all the varied relations of life, as husband, father, citizen, business man, political leader, and United States Senator.

The very large number of people of all conditions who assembled to attend the last sad rites and their expressions of sorrow and grief were strong and unmistakable manifestations of their respect, confidence, admiration, and love for their dead friend, and verify that "A good name is better than precious ointment." While we sincerely mourn his death and tender to his stricken wife and family condolence, it is most pleasant to be justified in pointing the youth of our great country and good people to the useful, successful, honorable, and illustrious career of Hon. JAMES McMILLAN as an inspiring example of the possibilities before them under our benign systems of government, national and State, the best ever yet devised by human wisdom for a free, independent, and intelligent people.

Mr. MORGAN. Mr. President, as we understood Senator McMILLAN, he was a good man, a just man, and, as God knows him, we believe that through His grace, he is a just man made perfect, a standard that no man can attain to through his unaided effort.

It is what is left to us of the record of his life, his works, and his example that we are permitted to speak; and it is a happiness that we can speak, without reserve and with pleasure, of his character and his conduct as a Senator.

No man has lived, or will live, whose abilities, learning, purity of character, or of speech, or thought, or action, lift him above the true measure of the dignity of a Senator of the United States, and no breadth or depth of learning or wisdom with which men may be endowed will reach beyond the scope of the demands of that great office.

In statesmanship and jurisprudence, in the art of government with civic or military abilities, in the duties of the world's household, where all nations comprise a family, the American Senator has a place that is as high and influential as that of any potentate, and his voice is heard in the councils of kingdoms and empires, on questions that affect all nations, though it is uttered in the executive sessions of the Senate with closed doors.

In those great powers the fate of nations and of limitless millions of posterity may hang upon his single vote.

In legislation he is the peer of the direct representatives of the people in Congress assembled. The scope and majestic sovereignty of this power is beyond description in words or by any reference to other systems of government.

Eighty-five millions of people, furnishing through local organizations the motive power of this great Republic, yet so restraining it that it can not lawfully do hurt to the least of them, and inspiring a wonderful representative sovereign power with wisdom and vitality drawn from the minds and hearts of a great race, are the true fountain springs of the legitimate government of mankind.

When this vast and varied aggregation of mental, moral, and civil forces is analyzed and the strength of each fiber is accounted for in the great result, the House of Representatives of the people is not less powerful than the greatest tribunals that have ever assembled.

The Senate shares with them these great functions and powers in a form more concentrated, in which the States, as constitutional sovereignties, are equal in power throughout the Republic.

This union of popular and State power in the Senate, and its coordinate relations with the House of Representatives, comprises a political supremacy, resting in Congress, that has no superior and is subject to no restraint, except the limitations of the Constitution and the powers reserved to the States and to the people. The Senate, therefore, is conspicuous for the breadth of its influence in government and for its strength.

Our members are so few that our responsibilities are, individually, very great.

To say of a Senator that he measures up to the duties and opportunities of his office in their widest field is to speak of a man who has not yet appeared in this body. To say of a Senator that he has devoted good abilities, with conscientious fidelity and industry, to these high duties, and has achieved a creditable success, is a eulogy which a king might well desire to earn.

This, and more can truthfully be said of Senator McMILLAN.

There was, in addition to his civic virtues and the many excellent contributions he has made to the success of the Government, a charm of elegant refinement in his deportment as a Senator, and a genial warmth of good will toward all his associates, that have left for him a place in the esteem of the Senate which will always be cherished by those who shared in his labors.

It is a happy augury for the higher and purer civilizations that seem to have followed the sun, through many ages, in its visitations to equatorial regions, and to have prospered under its nurture, that the vandal races have lost their power to oppress the world, and their ancient haunts and breeding grounds are becoming centers of light and nurseries of the highest morals and of the noblest sentiments. It is a still happier circumstance that the Western Hemisphere has never been the nursery of such invading hordes of Northmen.

English and French pioneers occupied the vast region between the frozen sea and the lake region on our northern border, and changed the haunts of savage races to the dwelling places of civilized and Christian peoples. That grand and fertile region that is under the scepter of the British Empire is a leading contributor to the wealth and civilization that are distinctively American and have their center in this Republic.

Many of the excellent natives of the Dominion have been drawn to this center by its marvelous progress toward the zenith of human endeavor, while few have left us to find better government or greater social or industrial advantages or happier homes.

Among those who have come to the United States to find a home among our people, none have been more prosperous or more worthily honored or more justly esteemed for noble qualities than the youth, born in Ontario, who found a loved home in Michigan, honors and wealth among the generous people of the State founded by the grand Democrat, Lewis Cass, and a place in the Senate of the United States that was made illustrious by that great American Senator.

This was the happy result of our open doors and open hearts, that invite the nations of the world to share with us the blessings of free, constitutional, republican government, and to compete with us in every honorable work for the good of mankind.

I have not known that Senator McMILLAN, in his Senatorial career, was tempted by that mad partisan zeal or was exposed to those consuming fires of personal ambition or covetousness that sometimes burn and rage in the furnace of trial in this Chamber. If he was, he triumphed over these enemies of American honor and celebrated his victory by presenting, in his conduct, a true example of an incorruptible and faithful American Senator.

In no act or utterance of his has the escutcheon of this great Republic been darkened with any shadow or wrong or impropriety; but his noble and gentle bearing gave universal credit to his sincere and courageous loyalty to his convictions and to his adopted country, and made his proud and statuesque form the admiration of the Senate.

Michigan opened her hospitable doors to welcome the foreign-born youth from Ontario, and again, with bowed head and reverential sorrow, she has opened her bosom to receive his honored ashes, borne to her by tender hands from the Senate of the United States.

Mr. PLATT of Connecticut. Mr. President, Carlyle, reviewing Lockhart's Life of Walter Scott, after discussing the question whether he had achieved greatness and was to be compared with such authors as Shakespeare, Milton, and others, summed up his estimate of Scott in the following words:

It can be said of him, when he departed he took a man's life along with him. No sounder piece of British manhood was put together in that eighteenth-century time.

Following Carlyle's conception, I think I can with truth say of Senator McMILLAN, "When he departed he took a man's life along with him," and was as complete a piece of American manhood as our times have produced.

I can think of no greater praise, no juster tribute than this; for,

After all, what is real greatness and true success except the development of those qualities which we summarize and emphasize in that one word, manhood. It touches every sweet and attractive, as well as noble feature in the life of a man. It is a word difficult, perhaps impossible of definition; and yet it is something which we recognize and appreciate without definition. It signifies all that a man ought to be in this world, and it signifies more than that, the one possession which a man can carry out of this world into the next, a possession which is to constitute the foundation of a new career in a new life under new conditions. It is a possession which inspires respect, admiration, love, in enduring form. It signifies character, and all that character implies; so when I say in this brief tribute to my associate and friend that it was his genuine, rounded manhood which inspired my respect and affection, I have said all that I can say, either to express my deep sense of loss or my estimate of the man.

Others have spoken of his Senatorial life and service, of his ability, of his integrity, of his industry, of his keen perception and sagacity, of his purposeful convictions, of his unlimited knowledge of public affairs, of the trust which was reposed in him, of the service rendered by him not only to his constituents, but to the whole country. All this that has been said of him is true, the language already used is but the language of justice, but it could not be true or just if it were not for the eminent degree in which he possessed not only these qualities, but all those other human qualities which go to make up that thing which we call manhood.

What an example and inspiration is such a life. Men if they are worthy the name strive with all their might for success. According to the different standards of life which men may adopt, they desire to be distinguished and conspicuous. One may seek fame, another may aspire to power, one may desire great wealth, another to explore the realms of science, one to be considered an orator, and another a genius, a philanthropist, or a statesman; to such men there comes the ambition so to live that it may be said when they are gone that they were conspicuous examples of success according to their idea of what constituted success in life; but I know no epitaph which can be placed on a tombstone which so fully expresses and emphasizes my ideal of a successful career as this: "He was eminent in his manhood."

Senator McMILLAN was my associate here in the Senate for more than thirteen years. There was a phrase in more common use a few years ago than at present which spoke of a man as living in "the keen, bright sunlight of publicity." Senator McMILLAN lived here, as always, in that sunlight. Indeed, all men honored by their constituents with a seat in the Senate must perforce live in that sunlight. Their action, their motive, their life is not in secret; it is in public. We come to know and appreciate our associates and our comrades for what they really are. They find their duties and their work prescribed for them here by the estimate placed upon them by their associates. Judged by this estimate, Senator McMILLAN was one of the most respected, most trusted, and honored members of the Senate.

The interests of a great people like ours are wide and varied, vast and important. They touch the very heart and core of national life and national development.

Problems which confront us daily affect human happiness and human development as nowhere else in the world. To care for such interests, to solve such problems, requires not only a great fund of knowledge and information, but the soundest judgment in complicated affairs.

I pass by the work of Senator McMILLAN as chairman of the Committee on the District of Columbia. The interests of a great capital city are, by our laws, placed in the keeping of that committee. So well was that work performed that its conclusions as reported to us by its chairman were scarcely ever questioned. The city of Washington has no mayor, it has no legislature, but the chairman of the District Committee combines in himself the functions of both the mayor and common council and performs the work which in other cities is performed by that official and that body. It was no light labor; it was wearisome and ever unappreciated, but it was an important work nobly performed.

I pass by his service on this committee to speak of the fact that the great and important interests of the nation are considered nowhere in larger measure than in the three great committees, Appropriations, Commerce, and Naval Affairs, upon all of which our comrade served with honor and distinction, in all of which his conclusions were most influential, in all of which he rendered great service to our great country. Senator McMILLAN never sought committee assignments; he cared little or nothing for what is sometimes called rank in committee service. He was placed on the committees which I have named solely because of the estimation in which he was held by his comrades. They felt that his service was needed there; that these qualities of which I spoke in the beginning, which go to make up manhood, were not only needed, but imperatively needed, in a man who should serve

on these great committees. We know of the service performed there; we know, as the public can not know, of the benefits arising to the whole nation from such service.

A Senator primarily represents his State and its interests in this body, but in a larger and wider sense he represents a nation and its interests. He must, therefore, be broad rather than provincial. He must see not only the immediate supposed interests of the one State whose representative he is, but his eye must explore and take in the interests of all States and of all the people in all the States. Much as Senator McMILLAN was honored by the people of his own State, full as was the confidence which his constituents reposed in him, he was more highly honored by us as a representative of the nation, and the confidence which we gave him, large and in full measure, was as a Senator of the United States.

He was not an orator; he was not a genius; he laid no claim to brilliancy; but he was in the best sense a man who accomplished things, and whose every act tended to the enrichment of his fellow-men, and especially of the people whose true interests were never absent from his thought and purpose. We miss him, we mourn him; it seems as if his place with us could never be fully occupied by others, but in his absence we respect and admire and love him as we did when we enjoyed the delight of his presence and comradeship.

There is after all, when a man lives such a life as JAMES McMILLAN lived, some consolation to those who survive and mourn him, and not the least, indeed, the greatest, of the consolation which I feel is that I may truly say of him, "When he departed he took a man's life along with him."

Mr. HALE. Mr. President, so much has been said, and so well said, by the Senators who have gone before, that I shall content myself with a brief personal tribute to him whom we so unaffectedly mourn to-day.

Senator McMILLAN had led a most active life, in which almost everything he touched turned to success. In the great business which he managed and in his outside ventures and investments his wisdom and sagacity carried him past all the perils that beset the business world, and at the time of his death he had accumulated a great fortune, the beginning of which almost entirely depended upon his constant and resolute activities. I think he owed very little to accident or blind fortune.

In this struggle he distanced almost all competitors, and, Mr. President, it can be said truly of that great fortune that not many men ever made such a trust so largely for the benefit of others. In every place where the late Senator was well known the list of his benefactions is a long one. They were silent and unobtrusive, but they ranged through a very great realm. He lifted up the downtrodden; he relieved the distress of the poor; he imparted life and spirit to every form of enterprise that came to his notice. He was one of the men who made two blades of grass grow where one had grown before.

And when later in life he launched his bark on the rough sea of political life, the same qualities that had insured success in business—honesty, activity, ambition, with the bedrock of integrity and hard work—carried him almost at once to the leadership of his party in the great State which he so well represented here for so long a time.

In this body these same qualities brought him to the front. They were conspicuous here, and illuminated his pathway as they had in other walks of life. At the time of his death he was upon some of the greatest and most important committees of this body. There he always made himself felt, and, though not a frequent talker, he was always listened to with attention, and the measures of which he had charge were almost always passed by an approving Senate.

I suppose, Mr. President, I may say that in the Committees of Appropriations, Naval Affairs, Commerce, and the District of Columbia it will be very hard for the Senate to fill his place. These great committees cover a very wide range of action and of service. The distribution of the revenues of the Republic, all the wide interests that are associated with our great commerce, the maintenance and expansion of the Navy, and the care which the nation gives to the District of Columbia, present to the mind, when stated, a wide field for the services of a Senator and a statesman.

Out of all this, Mr. President, this life of activity and ambition, Senator McMILLAN brought a nature of exceeding gentleness and sweetness. I do not think in twenty years of service in this body I have ever known a Senator for whom all his associates had so great an affection. To some of us who knew him very well the void that was made by his death will never be closed. The love that we had for him can not well be expressed. His generosity, his thoughtfulness, his wide charity for the faults and failings of others, his abounding hospitality, all made of his life a sweet song, the notes of which are still vibrating.

I can add nothing to the sincere and touching words of the Senator from Iowa as to the beauty of his domestic life, where he was always at his best.

We shall go our ways, Mr. President, without him; but, looking at that vacant chair, I feel that the Senate Chamber will never be just what it was when he was with us. I am sure, Mr. President, that the world was better for our dear lost friend having lived in it.

Mr. FOSTER of Louisiana. Mr. President, it was a true and trite saying of the ancient Romans that nothing should be said of the dead but that which was good; but it has been also said, with equal wisdom, that we owe nothing to the dead but the truth. While we should refrain from unjust criticism and censure of those who are no longer here to defend and protect their memories from attack, we should similarly avoid that fulsome flattery and high-sounding eulogy which serves only to detract from the true measure of one whose life has passed into history. Above and beyond all, it should be the paramount duty and the office of those who seek to perpetuate the just memory of the dead to draw the moral from a good and great man's history, his acts and services, which tends to elevate humanity and benefit his surviving countrymen and make the world better for his having lived on earth.

With these guiding principles in view, I venture in a brief way to join in these memorial exercises of the distinguished dead. Coming as I do from a State bordering on the "summer sea," almost the extreme Southern boundary of our country, and the deceased Senator from the Peninsular State, almost at the extreme northern boundary, differing as I did and do from him in many of the political principles in the administration of our Government, I feel that in what I say I can not be justly charged with undue bias, when I seek to pay an humble but no less sincere tribute to his memory.

To my mind, at least, the most useful and impressive lesson of his life lies in the forceful example which it affords to the youth of our common country as a stimulus and incentive to honorable aspiration and successful effort, however lowly and humble may be their origin and the condition of their environment. It is from the contemplation of such lives as that of the late Senator that our posterity should learn the great lesson that in a country such as ours the avenues to a competency, yea, even to great wealth, as well as to the highest honors of the Republic, are ever open to the industrious, honest, and ambitious of our young men, however modest may be their stations in life.

Springing from sturdy Scotch stock, and inheriting from his Gaelic ancestry those traits of industry, frugality, economy, and perseverance which have marked the careers of so many of our most successful leaders in the fields of finance and statesmanship who came from kindred parentage; born in Canada of parents whose limited means confined and restrained his early education to such training as the ordinary common school of that day usually afforded, we find young McMILLAN at the early age of 14 years earning a scant livelihood at the nominal wage of a clerk behind the counter of a hardware store in Hamilton, at a period when that now prosperous city of the Dominion was little more than a straggling and sparsely settled country village.

At the end of these four years of his novitiate in commercial business, hopefully ambitious, confident, and self-reliant in the ability that was in him, boldly aspiring to a wider field for the development of his business talent, he then emigrated to Detroit, there to make his future home in his adopted State of Michigan, and before he reached his majority in his new residence he had won his way to trusted and responsible employment in the fulfilling of large and important railroad contracts.

Progressing ever upward and onward, amassing little by little, by dint of unflagging industry and rigid economy, a limited capital, and then associating himself with other young men similarly circumstanced, he embarked in the establishment and carrying on of car-building enterprises, which at first conducted on a small scale gradually extended in a larger measure to other car works and various other financial enterprises in half a dozen or more growing railway centers. The successful conduct of these undertakings was largely attributable to his business sagacity and administrative ability, and his indefatigable attention to the details of operation and management of a trade which employed 2,500 persons, and gave an average of from \$3,000,000 to \$5,000,000 in receipts and expenditures per annum.

Thus, by close attention and industry, when he had barely reached middle age, at a time when most men have only begun to accumulate a competency, he had attained great wealth, his fortune at the time of his death being estimated at \$15,000,000, although during the greater part of the last twenty years of his life he had practically retired from active business operations. With this great wealth he provided liberally and generously for his family by affording them every advantage, comfort, and luxury, giving to his children the opportunity of finished education and starting his sons on their business careers.

Mindful of the great disadvantages under which he had begun life, especially for the want of a college or university training, his public donations were lavishly distributed to educational, religious, and benevolent institutions, which amounted in the aggregate to hundreds of thousands of dollars. Those who knew him best and most intimately assure us that these public gifts were equalled by his private charities, for he was one of those who "do good by stealth and blush to find it fame."

Such was his private life; a devoted husband and affectionate father, a public-spirited citizen and benevolent philanthropist. His public life is an open book, and the distinguished services to his adopted country rendered by him while a member of this body are so much better known to the older Senators, longer members of this body than myself, as to render it useless for me to descant in detail upon their importance and value.

His close attention to duty, his untiring industry, and his practical wisdom made him a prominent leader in this Senate. With no pretense to oratory, with no especial claim to prominence as a debater, he so handled measures of large importance with such skill and ability as to carry them to a successful fruition. While his advocacy of a measure was seldom, if ever, marked by fervid eloquence or studied rhetoric, it was always characterized by a thorough mastery of the subject in all its details, and a lucid, forceful, and convincing presentation of his views.

He was what may be termed a safe, wise, and conservative legislator, meeting all public questions with a calm equipoise of judgment, and bringing to their solution a ripened experience and the mature consideration of a thorough student. Especially as a member of the Commerce Committee, over which he often presided, since the senior Senator from Maine became President pro tempore of this body, did he display a wonderful grasp of the many details of legislation intrusted to it and a just appreciation of the interests of the entire country.

He listened attentively and patiently to the demands of the different portions of the Union when the great river and harbor bills were under consideration, and weighed with equal justice their different claims for recognition at the hands of the Government. By his great knowledge of the intricacies of the subject he was enabled to reconcile conflicting differences and do substantial justice to the interests in charge of his committee. As a member of other important committees of this body he rendered conspicuous service and impressed himself upon the legislation of the country.

I believe that all the Senators will bear witness to his affability and courtesy in social converse and in public matters, both in the Senate and the committee room, and especially those of us who are younger and newer members of this body.

Easy of access, cordial in manner, obliging in disposition, it has been a pleasure to be drawn into social and public contact with the deceased Senator. For myself, I cheerfully acknowledge my indebtedness to him in this regard on many occasions. Meeting him for the first time on my entrance into this body, I have since been thrown in intimate association with him on the Committee of the District of Columbia affairs, of which he had been for many years, and continued up to his death to be, chairman, and as such rendered preeminent service, both to the whole country and the District.

Much of the most important legislation affecting the District of Columbia and the city of Washington originated with him, and much which he did not originate owes its adoption and fruition to his energetic and successful advocacy of the same. The system of just local taxation for the District, to increase the revenue with as little hardship to the taxpayer as possible, and the liberal Congressional appropriations for the improvement of the District and city were in large part the result of months of study and labor by Senator McMILLAN and his efforts in securing their adoption. Prominent among the numerous important District measures which owe their origin or adoption to him was that of the creation of a commission for the improvement and betterment of the capital city and the Park Commission. These distinguished services so endeared the dead Senator to the citizens of the District and the city that they often called him affectionately the mayor of Washington.

So great was their sense of bereavement at the loss of their best friend that the residents of this city met in mass meeting at the time of his death to express their grief and mourning, and it was there resolved to erect, by private subscription, a memorial to the memory of their benefactor to perpetuate their grateful acknowledgment of his great services. Whether such a memorial shall ever be erected or not, it will matter not. The great beauties and embellishments of this city are his best mementos.

In the heart of the great city of London, on the site where tradition tells there once stood the Temple of Diana under the Roman domination, there rises the classic pile of the great St. Paul's Cathedral. Its splendid architecture, with its white columns and pilasters, its towering turrets, its magnificent dome, and general

ensemble typify the renaissance of classic art in Britain and is the admiration of all England and the rest of the world. Within its massive walls lie some of the greatest of the Empire's dead.

As the light of day streams through the highly wrought windows and stained glass it falls with its mellowed and softened radiance on the sculptured tombs of England's greatest captain, the Iron Duke, the conqueror of the great Napoleon, and on that of her most celebrated admiral, the victor of Aboukir and the Nile, and on the sepulchers of a host of heroes and of her most illustrious dead in art, science, literature, and statesmanship, all adorned with Latin inscriptions attesting the illustrious service of England's sons.

As the visitor, rapt in admiration of the splendors of the vast edifice, his soul filled with a world of historic memories and the artistic glories of the cathedral and mausoleum, turns his steps to one of the minor entrances his eye falls upon a small, plain, and unadorned tablet, upon which is carved a simple inscription, "Sir Christopher Wren, Si monumentum requiris circumspice"—the single tribute to the great master architect, whose transcendent genius planned this majestic temple of the living God.

So the founders of Michigan, the adopted State of him to whose memory we this day pay honored tribute, emblazoned upon the shield and coat of arms of the Commonwealth, borrowing Wren's inscription, the legend "Si quaeris peninsulam amoenam circumspice." So can it well be said should any visitor to the national capital, viewing this grand city, admiring its broad and well-kept avenues, its beautiful parks, its majestic buildings, its numerous statues of great soldiers, sailors, and statesmen, its monuments of bronze and marble, and the thousand other ornaments and embellishments of Washington, the magnificent, pause to inquire where is the monument to him who more than all others contributed the larger part to these scenes of beauty and splendor.

The answer would be, look around you, it confronts you on every side. Such will ever be the reminders of McMILLAN, one of the greatest contributors to the improvement and amelioration of the capital city. Such was Senator McMILLAN, the great patron of the District, the enterprising business man, the courteous gentleman, the patriotic statesman, the poor Canadian boy who arose from poverty to well-nigh the highest honor to which a foreign-born citizen may aspire in this Republic.

Passing the milestone which marks the three-score in life's journey, he had entered the lustrum of more advanced age when death met him at the portal of eternity. With a life record of usefulness, in the full fruition of successful endeavor, like the ripened grain of the field, he bowed his head to the sickle of the Grim Reaper to be harvested in the great granary of the hereafter, "with the garnered good of the years."

How grand and proud must have been the retrospect of his latter days. He lived to see his adopted city rising from a population of barely more than a score of thousands when he first set foot upon its streets to more than a dozen fold. What, more than forty years before his citizenship, had been a frontier post had blossomed into a great and beautiful metropolis, unsurpassed in its adornment and public utilities by any city on the continent.

He had witnessed his adopted State grow great in wealth, power, and influence, and strong in the civic virtues of her people until to-day she takes her proud stand in the front rank of the States of the Union, while a magnificent domain, exhaustless in its resources, splendid in its civilization, and superb in its patriotism was established amidst the mountains and the prairies of the great West.

He had seen this Government convulsed by the earthquake shock of civil war, reunited into an indestructible Union, and all sections of our country knit together in ties of fraternal love, and the Republic proudly assuming the position of a world power among the foremost nations of the earth.

Such are but a few of the glories that illumined the life of the dead statesman, and to the proud achievement and attainment of many of which he had contributed in no small way. While his great public and private services were confined to no section, it was to the great and growing West that the best part of his life work mainly and largely enured. It was to such prowess as that of McMILLAN that it owes much of its present proud station, and it is to men like him that it must look to for its continued and increasing growth and prosperity.

To the young men of the West, as well as to those of this whole country, the shining example of his life can be held up as a model for worthy emulation. God grant that it may serve to deeply impress their character as social factors; to stimulate their patriotism; to dignify their citizenship, and elevate their civic virtues, to the end that the great Republic may move to a still higher plane of prosperity, freedom, and good government—an exemplar for all time to the nations of the earth.

Mr. ALDRICH. Mr. President, it was my good fortune to have known Mr. McMILLAN well through all the years of his Senatorial service, and my regard, admiration, and affection for him increased with each successive day of our association. He was essentially a man of affairs, and in a material age, an era of wonderful commercial and industrial development, he was a pre-eminently successful business man; yet his spirit and nature must have come down to him from some ancestral knight of the romantic age. He was always gentle, chivalrous, and genial. He was admirable in every relation of life, domestic, social and official. The loyalty of his friendship was never disputed. The wisdom of his advice in the councils of his party was always acknowledged.

The statement of his valuable services to State and country, to which you have listened, constitutes a record which must be a never-ceasing source of pride to his friends and an inspiration to those who are to follow him. In that intimate companionship which forms the principal charm of our life here the vacancy occasioned by the death of Senator McMILLAN can never be filled; even the grateful and fragrant memories of the past can not break the force of the ever-present consciousness of irreparable loss.

Mr. CULLOM. Mr. President, but for my great admiration and affection for Senator McMILLAN I would not say one word on this sad occasion.

Only a few weeks ago we were called upon to pay tribute to the memory of a colleague—an honored soldier and statesman. To-day this Senate is again in session to speak words of sorrow on account of the death of another distinguished man, a member of this body, who suddenly passed away during the recess of Congress last summer.

Senator JAMES McMILLAN died, as has been stated, on the 10th day of August, at his summer home by the sea.

Mr. President, but one sentiment pervades this Senate; it is one of grief on account of his death.

In all my experience, and my years are not few, I never knew a man of more splendid qualities of mind and heart. He was a marked specimen of a man in appearance. He looked the noble man that he was. His demeanor was faultless, and he drew men to him, both great and small, by his quiet, yet attractive manner and by his perfect poise and sound judgment. He was a just and generous man. He had, under all circumstances, the courage of his convictions. He made few speeches, but he possessed great power and influence in his State and in the Senate. His colleagues knew his devotion to duty and to the truth. They knew his capacity to discern the right of any question, and usually they were ready to follow him in the disposition of any matter which he had investigated. He was a splendid legislator, and exhibited conspicuous ability and sagacity in the direction and management of any subject in his charge.

He was a model committeeman, and members of committees were always pleased to have Senator McMILLAN placed on a committee with them, not only on account of his capacity, but on account of his agreeable manner of association with his colleagues.

For some years before his death he was chairman of the Committee on the District of Columbia. He was the best chairman of that committee I ever knew. He was a thorough business man, and knew well the needs of the capital city. To the District of Columbia, especially, Senator McMILLAN's death was a great loss. His desire was to do right by the people of this District, and to build up the capital of the nation and make it the pride and glory of this country.

Mr. President, to do justice in all things and by all was a dominating feature of Senator McMILLAN's character. Webster once said that justice is the great interest of man on earth and, quoting him further, he said:

It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security and general happiness and the improvement and progress of our race.

Senator McMILLAN was a Christian man and whether engaged in the whirl of business, in the struggle of politics, or in the sacred precincts of the family circle, he was the same dignified, even-tempered, Christian gentleman.

His nature abhorred anything low or deceitful. He was high-minded and generous by nature, and in his dealings with men in his employ he never had difficulty in settling questions of wages or amount of work performed.

I was present on the sad occasion of the funeral of Senator McMILLAN in his home city, where he was known and loved by all. I found that there were many expressions of great grief over his death, not only among the higher and polite classes of the community, but among the men in his employ. They loved him because they had tried him and because they had found him to be always just and generous in his dealings with them.

Mr. McMILLAN as a legislator was careful and conservative. He was a man of peace, both for himself, for his State, and for his country. He believed in conservative action by our Government in its relations and dealings with other nations. He was a wise man in the management of his own affairs, and was a sagacious counselor in determining the safe and wise policy in national affairs.

Mr. President, while our colleague has gone to that bourne whence no traveler returns, and we shall have his presence in these halls no more, we can with pleasure and profit remember his example, his constant devotion to duty, and his deliberate and wise judgment on all important questions involving the interest of the people or the honor of the nation.

Events like these, which produce in our hearts a feeling of common loss, remind us also of our own responsibilities as representatives of the people in the discharge of public duty; and as we cherish the memory of the good and great men who have been with us here may we struggle the harder to come up to the high standard of patriotism and duty made necessary by the exigencies of our times.

Mr. WARREN. Mr. President, what I may say concerning our friend and colleague, Hon. JAMES McMILLAN, whose untimely death we mourn, can not add to his richly deserved good name and fame. Mere words are inadequate to make more patent or enduring what he accomplished for humanity, for his friends, his State, and his country. But my heart responds to the memory of friendly association with him, in this Chamber and on committee, and the tribute I offer is the sincere testimonial of one who always felt honored in being counted among his friends.

I recall, and will never forget, the generous welcome he extended me when I first became a member of this body, and the charming kindness and courtesy that characterized his every action in our daily intercourse; and particularly do I remember how cheerfully and heartily he came to me with his powerful influence in my efforts for the reclamation of our arid West. Efforts along this line were among my first upon entering this body, more than ten years ago. Opposition and indifference met me upon almost every hand, and in all the Congress of the United States there was scarcely a half-score pronounced friends of irrigation. To the first one of my appeals for the cause in the Committee on Commerce, Senator McMILLAN was a close listener. After I had finished, he came to me and said: "WARREN, you have a good case; it is a great cause. Keep your heart in the work, and you will win. Count me with you."

His experienced and progressive business mind evidently traveled faster than my words and expressed ideas, for he foresaw not only immediate necessity for redeeming the waste places, but final accomplishment as well; and so in every stage of our Western effort to obtain irrigation legislation from that time to ultimate success the vote and influence of JAMES McMILLAN were with us.

Senator McMILLAN was still in the prime of life when the fatal summons came which took him from us. In his personal appearance he was the very ideal of good form in figure, in attire, and carriage, and he seemed truly matchless in his magnetic power of making and retaining friends. He was 64 years of age, having been born in 1838, at Hamilton, Ontario. He was of sturdy Scotch descent, his father, William McMillan, being a man of exceptionally strong and symmetrical character and of the highest integrity, whose business connections were wide and whose identification with many important enterprises made his name well known throughout Ontario.

The son, JAMES McMILLAN, was given an education essentially adapted for a successful business life. He left school at the age of 14 and entered a retail mercantile establishment at Hamilton, where he spent four years in learning the details of the business; and in this humble capacity he laid the foundation for the distinguished business success which was to follow. Then he removed to Detroit and accepted employment in a wholesale hardware store. At the end of two years' service he was appointed to the position of purchasing agent of the Detroit and Milwaukee Railway. His faithful, conscientious performance of duty attracted the attention of an extensive railroad contractor, and he was employed by him as manager in connection with the execution of a large contract. He was but 20 years of age, but he proved equal to the responsibilities placed upon him. In 1864 he associated himself with friends in the Michigan Car Company, and from that time until his death his business life was synonymous with the commercial growth and prosperity of the city of Detroit and the State of Michigan.

Strong sense and clear foresight were his characteristics, and these, added to the careful business training, which enabled an easy acquirement of all details, essential or trivial and no matter how complicated, made him master of every situation in which he found himself. A commanding executive ability, wonderful power of concentration upon any given subject, ability to keep in

mind the whole field of his immense interests without losing sight of a single important link in their best and most profitable relation, serve in a measure to explain the great results he obtained.

And it was these qualifications, making of him as they did the most successful business man of his State, which fitted him so conspicuously for the important place he took in the Senate of the United States when the citizens of his State called upon him to enter political life and placed and kept him in the highest political position he could attain under the Constitution of our country.

That call was made in January, 1889, when, in a remarkable caucus of the Republican members of the State legislature—an open caucus attended by prominent citizens from all parts of the State—he was selected without an opposing vote as the choice of his party for the office of Senator in the Congress of the United States for the term beginning March 4, 1889. The call was voluntary and spontaneous, for he had never sought political preferment, but he was none the less the idol of the citizens of his State.

The accumulations of his industry, enterprise, and business sagacity had not been idly hoarded. They had been turned into the channels of commerce and were benefiting thousands of his fellow-citizens. With sincere and earnest patriotism he had aided his State and his country by liberal donations when help was needed during the throes of civil war. He had increased his deeds of charity and his acts of good to his fellow-men as his increasing prosperity broadened his capacity for such deeds. Churches, schools, hospitals owned him as their benefactor, and no worthy charity found him an unheeding listener to its plea. He was the epitome of an earnest, useful, high-minded citizen, and his State honored itself and ornamented this body when it chose him as its representative here.

At the close of Senator McMILLAN's first term in the Senate the people of his State with one voice called for his return to the Senate. The legislature by unanimous vote reelected him. The State legislature at that time contained but one member who was not of the Republican party, and he, in casting his vote with the Republicans for Mr. McMILLAN, said: "I vote for him because of his sound business principles, and as an earnest of Michigan's gratitude to a man who has served her interests so ably and so well."

He was again reelected in 1901, and it was at the threshold of his third term of service that the relentless and cruel stroke of death came so suddenly upon him.

Mr. President, when such a well-rounded character, equipped with all the grace and vigor of mind and body which go to make up the perfect man, apparently in the full flower of his strength and usefulness, is taken away from us, we pause in awe, and our weak, finite minds wonder at the inscrutable mysteries of Providence, and vainly strive to comprehend why such a calamity should fall upon us.

And it is in our feeble gropings and fruitless efforts to solve these mysteries that we realize the pessimism of that poem of despair wherein is thus presented the problem:

Think, in this batter'd caravanserai,
Whose portals are alternate day and night,
How Sultan after Sultan with his pomp
Abode his destined hour, and went his way.

And this thought would overcome us and hold us unreconciled to the fatal law which summons the best and wisest from the scenes of their earthly activities, were it not that, as we contemplate the wondrous gifts of mind, the charm of manner, the manliness of character, the high and lofty sentiment of such as JAMES McMILLAN, we must come to the irresistible conclusion that this life on earth can not be all, but that so noble a spirit—

Shall flourish in immortal youth,
Unhurt amidst the war of elements,
The wreck of matter, and the crash of worlds.

Nay, more; it is when we contemplate a character of such perfection that we become confident in the belief that in some manner, at some time, and in some place, although we know not how or when or where, all will be made right by that Divine Providence at whose call all must attend.

Mr. GALLINGER. Mr. President, a loving husband, a devoted father, a loyal friend passed from time to eternity when JAMES McMILLAN died. He is missed not only by those in his own household, but by his business associates, his colleagues in the Senate, the people of his city and his State, as well as by the citizens of the District of Columbia, for whom he labored long and faithfully. The life of this man illustrates the possibilities that our country affords for those who by energy, integrity, and good business judgment seek advancement. From humble beginnings he became one of the leading citizens of his State and one of the most influential members of the Senate of the United States.

For nearly ten years it was my privilege to serve with Senator McMILLAN on the Committee on the District of Columbia, and for a shorter time on the Committees of Commerce and Naval

Affairs, hence my opportunities to know the man were exceptionally good, and when the news of his sudden death reached me I was shocked and pained beyond expression. In all the years of our intercourse I had never thought of him as a sick man, but on the contrary as one who would remain in the Senate for many years to come, and whose continued association and friendship I regarded as one of the chief privileges of my public life. But death came suddenly, and as I stood beside his grave, literally buried in flowers, I recalled Stoddard's poem, entitled "The Flight of the Arrow," which so beautifully tells the story of human life and human death.

The life of man
Is an arrow's flight,
Out of darkness
Into light,
And out of light
Into darkness again;
Perhaps to pleasure,
Perhaps to pain!

There must be something,
Above or below,
Something unseen,
A mighty Bow,
A hand that tires not,
A sleepless Eye
That sees the arrows
Fly, and fly;
One who knows
Why we live—and die.

Senator McMILLAN did much for his State as a member of the Committee on Commerce, the interests of the Great Lakes being his constant care. On other committees he rendered important service, but his great work was on the Committee on the District of Columbia, of which committee he was chairman for many years, and it is in this connection that I shall more particularly speak.

When Mr. McMILLAN entered the Senate, at the special session, in the spring of 1889, it so happened that he was assigned to a place on the Committee on the District of Columbia. Senator Ingalls was then chairman of that committee. Although inexperienced in legislative work, Mr. McMILLAN was entirely familiar with civic problems. He had been a member of the board of estimates of the city of Detroit; had been engaged in street-railway building and operation, and had introduced the telephone into that city when the instrument was still a toy. He was familiar with all matters pertaining to railway terminals, for he had been one of a company of citizens who had associated themselves for the purpose of creating a set of railway terminals in Detroit to provide for the entrance of new railways and thus promote the commercial development of the city. In his successful business career he had become accustomed to dealing with large amounts of money in such a way as to produce large results; and thus he brought to the service of the District of Columbia an unusually varied experience. Moreover, he made it a rule to have no business interests in the District, and to make no investments here beyond the purchase of his own residence. This principle was adopted simply for the sake of allowing him to feel perfectly free to deal with each subject according to its merits and without the slightest personal bias.

Among the bills first referred to him by Chairman Ingalls was one relating to the terminals of the Baltimore and Potomac Railroad Company, in which the issue involved was the legalization of certain sidings built by the company to facilitate its own business and that of merchants owning property along its lines, the courts having declared that the right to grant the use of the streets for such purposes was in Congress and not in the local government of Washington. Incidentally the occupation of the Mall and of certain reservations was involved, and the subject had been before Congress for a number of years without action. Mr. McMILLAN looked at the matter from the standpoint of the commercial development of Washington, and treated the problem according to what he conceived to be the practical way of dealing with it. After a very careful study of the situation on his part and after repeated hearings he was able to carry through the Senate a bill giving to the railroad company the right to purchase and use for freight purposes a sufficient amount of land to relieve the congested freight situation, and at the same time the sidings built into railroad and private yards were legalized. During the Fifty-first Congress the bill passed the House also and became a law.

The opening of the Fifty-second Congress witnessed a reorganization of the Committee on the District of Columbia. Mr. Ingalls, Mr. SPOONER, and Mr. Farwell, who were the ranking members of that committee in the Fifty-first Congress, did not return to the Senate, leaving the chairmanship to be filled by Senator McMILLAN, whose only Republican associate remaining was Mr. Higgins, of Delaware. On the Democratic side, however, there were Senator Harris, whose services on the committee began in the Forty-fifth Congress, and who was chairman of the committee in the Forty-sixth Congress; Mr. Vance, of North Carolina, who

had served on the committee for twelve years; Mr. Faulkner, of West Virginia, whose service began with the Fiftieth Congress. The new members were Mr. Wolcott, of Colorado; Mr. GALLINGER, of New Hampshire; Mr. HANSBROUGH, of North Dakota; Mr. Perkins, of Kansas; Mr. Gibson, of Maryland, and Mr. Barbour, of Virginia, who died before the end of the Congress, and who was succeeded by Mr. Hunton, of Virginia.

During the Fifty-second Congress an unusually large number of laws of importance to the District of Columbia were passed, the record showing that 10 per cent of the public acts of that Congress were reported from the District Committee, a proportion which has been maintained to the present time. Among these laws were acts to regulate the building of houses on alleys; for opening and straightening of alleys; for an inspector of plumbing; to insure the safety of theaters and other public buildings; to provide a permanent system of highways in the District of Columbia outside the cities of Washington and Georgetown; to regulate the liquor traffic; to make Saturday afternoon a bank holiday; to regulate the practice of dentistry; to prevent cruelty to children and to animals; to create a board of children's guardians, and to prevent the sale and carrying of dangerous weapons. The whole number of bills and joint resolutions referred to the committee was 248. Of this number, 125 were reported favorably, of which 63 became laws, 59 were reported adversely, and no action was taken on 64.

Mr. McMILLAN found that in the District of Columbia it had been a practice to secure charters for street railroads and in some cases to build the roads and operate them but for a short time for the purpose of selling adjacent real estate, or else to sell the charters to nonresidents. In vigorous fashion the committee took up the matter, bringing a number of roads to terms through threatened forfeiture of their charters, but in the majority of cases adopting the principle, which was ever afterwards adhered to, of extending existing roads rather than chartering new ones, thus providing, as far as possible, for the carriage of passengers at a single fare. The result of this policy was in the end a consolidation of the various roads into two strong companies, which to-day probably give the most satisfactory service at the lowest rate anywhere in the United States.

A political change having come over the Senate in the Fifty-third Congress, Mr. Harris, of Tennessee, became the chairman of the committee, but the strong personal friendship existing between the two men, and the fact that political lines were never drawn in the District Committee, did not materially decrease Mr. McMILLAN's activities. It was during this Congress that influences were brought to bear to establish the overhead trolley as the motive power for street railways within the city of Washington. This project met the quiet, unflinching, determined opposition of Mr. McMILLAN, and the syndicate proposing it finally disposed of their railway properties in the District of Columbia and expended their activities on other fields. The question of rapid transit in the city of Washington, however, was a serious one. The Capital Traction Company and the Columbia Railroad Company had exchanged horse power for the cable and had installed perhaps the finest cable system in the United States.

The cable, however, was not feasible on the Metropolitan line, because of the multitude of curves, and there was a prevalent feeling that in some way electricity was the coming motive power for street railways. The storage battery was tried by the Metropolitan and the Eckington lines with persistence, but without success. Mr. McMILLAN, who had witnessed the successful operation of the underground trolley in Budapest, insisted that this system was the one best adapted to the needs of Washington. In the end this idea prevailed, and so successful has been the operation of the underground trolley in Washington that when the opportunity occurred the roads using the cable were changed into underground electric roads, and now all roads within the limits of the city of Washington, and the cars of all suburban roads on entering the city, receive current by means of a conduit instead of by the overhead wires, which disfigure the streets of almost every American city.

Growing out of his service on the District Committee came an assignment as chairman of the joint select committee of the two Houses to investigate the charities of the District of Columbia. The joint committee was made up of three members of the Senate Committee on the District of Columbia and three members of the House Committee on Appropriations. The testimony taken was voluminous, and the result was a substantial reorganization of the charity system of the District along these well-defined lines, based upon a report made by experts employed by the committee (Dr. Hurd, superintendent of Johns Hopkins University Hospital, and Dr. Chapin, superintendent of the Philadelphia Hospital for the Insane): First, the organization of a board of charities, appointed by the President of the United States, to have the general supervision of the charitable institutions of the District of Columbia, with the power of investigation; second, the

setting apart of certain well-established hospitals in the District to take care of acute cases for suitable compensation, and the construction of a municipal hospital for the care of chronic cases; third, the abolition of the system of making grants of lump sums to sectarian charities. Some of these projects, such as the municipal hospital, although well begun, are still waiting completion. On the whole the change has been of immense advantage to the District.

Besides the municipal hospital Mr. McMILLAN took an active interest in securing the Girls' Reform School, the location of the Carnegie Free Public Library on the site it now occupies, and the erection of an adequate building for the Business High School, an institution to train the youth of the District for commercial life.

Another project which had the untiring support of Mr. McMILLAN is the filtration of the Potomac water, and here again his established principle of calling in experts for advice on all important projects was resorted to. On January 4, 1901, under Mr. McMILLAN's direction, a hearing was held in New York, which was attended by the officers in charge of the Washington Aqueduct, the health officer of the District of Columbia, and all the leading filtration experts in the United States. As the outcome of this hearing a commission of three experts was appointed to report upon the proper system of filtration for the city of Washington, and when that commission recommended a slow sand filtration system, with auxiliary works for preliminary sedimentation and the use of a coagulant for a part of the time, the views of the commission were enacted into law, and the work is now in progress.

Mr. McMILLAN also urged the completion of the Lydecker tunnel for increasing the water supply of Washington, and insisted on large appropriations for the completion of the sewer system at the earliest practicable moment. During his chairmanship, and with his keen sympathy, an investigation was made by a subcommittee of the District Committee into the school system of the District of Columbia, which investigation resulted in a reorganization of the school board and changes in the curriculum along the lines of more practical instruction in the graded schools. As the result of another investigation, also conducted with his cooperation by a subcommittee of which he was a member, a fourth year was added to the high-school course.

In 1901, as the culmination of ten years of investigation, adjustment of conflicting interests, and steady pressure upon the steam railroads, laws were enacted to provide for abolishing grade crossings along the lines of the steam railways in the city of Washington, with a further provision that hereafter no new grade crossings should be established within the District of Columbia.

The celebration of the one hundredth anniversary of the removal of the seat of government to the District of Columbia was carried out by a joint committee of the two Houses acting in cooperation with the citizens' committee of the District. Mr. McMILLAN, as a member of the Senate committee, brought in the report of a committee of five recommending, among other things, the enlargement of the Executive Mansion in harmony with its present style of architecture, and the construction of an avenue to be known as "Centennial avenue," running from the Capitol through the Mall to the Potomac River, substantially in accordance with the original L'Enfant plan for the city of Washington.

Subsequently plans for the improvement of the Mall and for the enlargement of the White House were reported to Congress, but neither of these plans met with popular favor, and at Mr. McMILLAN's instance the Senate provided for a commission of experts to take up the whole question of the development of the park system of the District of Columbia, the work to be done under the general direction of the Senate Committee on the District. A subcommittee, consisting of Messrs. McMILLAN, GALLINGER, and MARTIN, was appointed, and after consultation with the American Institute of Architects, Mr. Daniel H. Burnham, of Chicago, the director of works of the World's Columbian Exposition; Mr. Charles F. McKim, of the architectural firm of McKim, Mead & White, of New York; Mr. Augustus St. Gaudens, the well-known sculptor, and Mr. Frederick Law Olmstead, jr., one of the consulting landscape architects of the metropolitan park commission of Boston, were selected as such experts. This commission made a careful study of the District's park system, both as to the development of the outlying parks and their connections, and also with reference to the placing of public buildings hereafter to be erected.

In order to carry out the scheme proposed it was necessary to modify the grade-crossing laws so recently enacted and to secure the removal of railway tracks from the Mall. This led to a reopening of the legislation affecting grade crossings, with a view to realize for the city of Washington the dream of half a century, namely, a union railroad station located on private property to be purchased by the railroads themselves. At the end of another series of negotiations, in which the president of the Pennsylvania Railroad Company heartily cooperated, with a view of making the capital city what it should be in point of beauty, suitable legisla-

tion was passed in both Houses of Congress and is now in conference.

The essential feature of the plan for the future development of the District of Columbia calls for no unusual expenditure, but merely provides that as the wants of the Government increase in the way of buildings, parks, and parkways, such development shall proceed in an effective, orderly manner, instead of at haphazard. Although the work of the commission was reported to Congress scarcely a year ago, no fewer than 13 items embraced in that report have received favorable consideration, and the continued adherence to the general plan would seem to be assured.

Thus hastily and imperfectly I have outlined a few of the changes that were brought about during the years that Senator McMILLAN was chairman of the Senate Committee on the District of Columbia. It would be too much to claim for him, and he would have been the last to claim for himself the entire credit for these improvements. He always sought the cooperation and support of the members of the committee, and to those members who were charged particularly with one project or another he gave the benefit of his advice and his persistent energy. So long as results were accomplished he cared little about taking credit to himself. There was so much to be done that no sooner was one project fairly under way than he took up another, so that he was always living in the future so far as Washington was concerned. Although one of the busiest of men, it was so natural for him to systematize his work that he was always accessible in the committee room to citizens of the District who wished to consult him upon any business connected with the committee. Propositions coming from the Commissioners, from citizens' associations, or from individuals, if they seemed to him proper and expedient, were taken up and pushed forward without reference to their origin or authorship. He did not belong to that class of reformers who are more anxious to tear down than to build up, but as public sentiment dictated and as opportunity offered he carried out those projects which were necessary for sound municipal housekeeping.

And, after all has been said, the matter resolves itself into this: He was a useful legislator in the development and improvement of the nation's capital, in whose future he firmly believed and to whose interests he was devoutly attached.

Mr. President, when the magnificent union railroad station has been constructed, when a broad vista has been opened from the Capitol to the Monument, when the Mall is rescued from its unsightly condition, and the south side of Pennsylvania avenue is redeemed from its present environments and occupied by costly public buildings—when these things shall come to pass, as they are sure to do, then will be erected in the nation's capital a more enduring monument to Senator McMILLAN than could possibly be produced from granite, marble, or bronze. In the years to come, whatever others may have done or shall do along the lines that he marked out, credit will be given to him as the one man in public life who clearly foresaw the greater Washington, and who gave freely of time and energy to the accomplishment of the grand purpose he had in view. And so to-day, paying tribute to his memory, we not only recognize him as associate, friend, and Christian gentleman, but proclaim him the benefactor of the nation's capital, the wise and loyal friend of the nation's welfare. As one who knew and loved him, I to-day place on his grave a fresh flower of affection, a token of tender and loving memories.

Mr. LODGE. Mr. President, for more than ten years Senator McMILLAN filled a large place not only in this body, but in the public life of the United States. He engaged the affection of all who knew him and commanded the respect and confidence of thousands who had never looked upon his face or listened to the sound of his voice. He was a power in the Senate, a power in the councils of his party, a trusted adviser of Presidents, a doer of deeds who left his mark on legislation and upon the political events of the time. These are high titles to distinction, and as we commemorate his services to-day it seems most fitting that we should inquire how it came to pass that he won and wore them so well. He certainly did not obtain the power and honor, the respect and confidence, the opportunities of public service which he used to such good purpose by chance nor, with equal truth it may be said, in the beaten way of politics.

When he spoke on this floor all that he said was full of light and sense, and rested solidly on thorough information. But he spoke seldom, and still more rarely entered into debate. He sought no share in the heavy work of national campaign management, had no taste for the part of a Warwick, never strove to be conspicuous in the bustle and confusion of a great national convention. Outside his own State his reputation was made, his power was gained, his place among the chief public men of our time was won here in the Senate. Won, too, it was not merely without any resort to intrigues and devices for self-advancement, but without the usual and natural aids to distinction which come

from activity in debate or from eloquence in speeches which strike the public ear and arrest the popular imagination. To attain to reputation, to power, and to place among the leaders of public life, above all to reach results of great practical moment to the public welfare under such conditions implies the possession of qualities of a high and somewhat unusual order.

It is of these qualities that I wish briefly to speak. First, Mr. McMILLAN was a man of character. In other words, he was honest, courageous, loyal to what he believed and strong in his belief. He was, as a matter of course, an able man. No one could have accomplished what he achieved both in public and in private life unless he had possessed both ability and force in a marked degree. But he had in addition other and less obvious qualities which went strongly toward the making of his success, upon which we ought to dwell, because they are more likely to be overlooked than those which met the eyes of all men at the first glance.

Mr. McMILLAN came to the Senate with a high and deserved reputation as a business man, and this reputation reached far beyond the borders of his own State. He had developed and built up a great industry in Michigan; he had become a leader in many large enterprises; and in all his undertakings he had shown skill, foresight, and capacity to a remarkable degree. The results of his labors had not only brought wealth to himself, but had largely aided the prosperity of the State and city. In a word, Mr. McMILLAN, when he entered the Senate, was and always continued to be a fine example of the highest type of the successful American business man. That type commands in this country, and justly commands, unstinted respect and confidence. The ability of the United States has very largely gone into business—into trade, commerce, transportation, industry, and manufactures—because the development of the country was the work nearest and most imperative, the opportunity for success in life was there most ample, and because our instinct as a people told us that the widest and most splendid future for the nation was to be reached through the gateway of material expansion.

The bold spirit which a century ago inspired our merchants to send forth their vessels to plow everywhere with daring keels the waters of the globe has been characteristic of our business men in all the new fields which have opened before them upon this continent since that day. As once, confiding in crew and vessel, they drove their ships in safety under a press of canvas which made the seamen of other nations stand aghast, with the same coolness and courage they faced the enormous risks of new enterprises on land, and met failure not only with constancy, but with renewed hopes and with unflinching fertility of resource. With the finer spirits among them we find also from the beginning that behind the honest desire for gain and riches there was always present the belief that they were laboring for their country as well as for themselves, and whether they won or lost they had faith that they were doing the nation's work as well as their own. They did not forget when they sent a cargo in the early times across treacherous seas to distant ports that the flag went with it, and in these later days when they have opened mines, built railroads into wildernesses, planted factories, and created industries, the thought that they were also toiling at the upbuilding of the United States was never lost.

Among men and minds of this high type Mr. McMILLAN was conspicuous, and he dealt with the results of his success in the same spirit. He never forgot the responsibilities of wealth. To all that might advance knowledge, to libraries and schools, to all that might relieve suffering he gave openly and freely, while at the same time he never rested from that gentler giving which reaches the individual man and woman, but which with him ever preserved that secrecy in which the left hand knows not what the right hand doeth.

A large success in business won by his own qualities of mind and character, a spotless reputation, a wise generosity in the uses of wealth, a high public spirit, these were all his, all known to be his when he came to the Senate. But there was something else, there was yet another quality without which all these achievements, all these honored and honorable gifts and possessions would have failed to win for him place and power, influence and distinction in the great field of public service. This quality was a fine sanity of mind, that clear perception of the true relation of a man's self to the universe, so often unconsidered, so little valued, and yet so vital to influence and to the accomplishment of deeds worth doing. And this clear good sense, this undisturbed vision which saw the conditions of life as they really existed belonged in full measure to Mr. McMILLAN. He never for a single moment made the error, he never for a moment was capable of making the error, of supposing that because he had been a brilliantly successful man in private business he was able from that fact and that fact alone to deal at once with public affairs better than anyone else no matter how well trained or for how long a time.

Our just admiration as a people for success in business and for the ability and power shown by our business men upon the largest

possible scale leads often to the thoughtless cry that if we could only have more business men in politics who would manage public affairs as we manage private business all would be well. The presence of business men in politics can not be too earnestly desired, and we have far too few of them. But the theory that public business must be conducted like private business is dangerous because it is impossible, and it is impossible for the simple reason that public business is not private but exists under public conditions.

The corollary of the proposition about managing public business as one would manage private business is that the successful business man must be able at once to conduct public affairs because he has succeeded in widely different occupations entirely private and largely or wholly his own. We have all seen many examples of distinguished business men who have come into public life with loud acclaim and who, acting on the theory that success in private business made needless all further information for the conduct of public business, have passed out of public life quiet and unremarked, wondering very much why they had failed. The reason really is not far to seek. They failed in public life because they had omitted that qualification which they would have said was the primary condition of their private success—because, in a word, they had not taken the trouble to learn their new business. They had been unable to understand that the conduct of public business requires education, training, knowledge—in short, that it must be learned like any other trade, profession, or calling.

Mr. McMILLAN's clear, strong sense and firm grasp of realities made any such delusive error impossible to him. He set himself to learn the conduct of public affairs and the merits of public questions as he had addressed himself to all other problems and tasks in life. In this frame of mind all his previous training, all his experience, all his knowledge of men and affairs became a powerful aid instead of a hindrance which checked him or a screen which shut out a just perception of the new tasks before him and the new conditions around him.

In this way he became master both of the task and the conditions. Thus he rose to be a sound and far-seeing legislator, a trusted counselor, and a sagacious adviser, as moderate as he was wise in judgment both of men and measure. Indeed his mastery of his subject and his surroundings grew to be so complete that although with an undue modesty he shrank from debate and from speechmaking, he was thoroughly able to manage a contested bill and steer it through all the besetting dangers to the haven of enactment, a feat appreciated in this Chamber, but involving an amount of skill, temper, and ability little understood outside the Capitol. In his own special field he became an absolute authority, and he may fairly be said to have governed this District for many years. With large views he looked far into the future, and that future will count JAMES McMILLAN as among the chief benefactors of the nation's capital city.

But behind his ability and his industry so thoroughly shown in his work here and in its results was a fine character and a nature at once strong and gentle. There were no secrets in his life, no hidden record which he feared would leap to life. Under the kindly manner, the genial good nature, and the sympathetic humor was rigid honesty in act and purpose, high-minded devotion to duty, and unbending patriotism. Modest and quiet always, he was nevertheless ever firm and courageous.

Such were his many fine qualities, such his abilities, such his service and his distinction as a public man who was an honor to our public life. But there was yet another side, not that of the public servant, or the able Senator immersed in toil and strife and anxiety, but that of the man. He was a good friend, loyal, generous, and helpful. Once admitted to his friendship, no one would willingly have lost it. He was too reserved to practice any of the arts of popularity, but few men were more beloved than he; fewer still of such marked ability and decided character were so entirely free from exciting animosities. It might always be said of him that he "Still in his right hand carried gentle peace to silence envious tongues."

We here make record of his public services, here to-day bear testimony to his high place in the public life of our time and to his many public virtues. All this is for those who come after us, in order that they may rightly judge. But for ourselves—for us who knew him—the public utterance which speaks to the world the sincere words of respect and praise is not the deepest feeling of our hearts. We turn there and find the simple grief, old as mankind and, alas, ever new, for a dear friend who has passed out of our lives and who had the unconscious power, better than much art and many abilities, of winning and holding, not only the love of those nearest him, but the unswerving affection of all with whom he strove and labored, or sorrowed and rejoiced, in the daily round of life.

Mr. PERKINS. Mr. President, it is always with regret that we view the retirement of any member of this body after the long association which has given rise to friendship and created ties

which are never to be forgotten. But when that separation is caused by the hand of death, our loss is viewed with the deeper feelings of sadness and of sorrow. During the past year such loss has come to us through the death of JAMES McMILLAN. There is no member of the Senate, in which he occupied so high a position, who does not realize that he has not only lost a most able coadjutor and faithful friend, but that the country has also lost one whose efforts were always to promote its best interests. The motives governing men in public life are always the objects of strictest scrutiny, and the probe of constant criticism is sure to reveal any lack of honesty or sincerity. In the many years of his public life JAMES McMILLAN was never found lacking in these respects. Not only his immediate constituents, but the people of the United States put full trust in him, and that trust was never betrayed. And none knew this better than those who were his colleagues here, and who exercised their own privilege of criticism from the vantage ground of intimate acquaintance and knowledge of his acts as a Senator.

The ability of Senator McMILLAN as a public man is equally well established. It was recognized by the people of Michigan long before they sent him to represent them in the United States Senate, but it was in this body that he found his opportunity, and his labors here revealed the power he possessed to work under the inspiration of those high ideals as to duty which governed all his acts. In consequence he showed himself to be a statesman whose view of affairs was not restricted by local conditions, but embraced the broad field of national well being. In the truest sense he was a Senator of the United States. The good of his country was the aim of all his efforts, and to those efforts are in no small measure due the blessings of that prosperity in which all our people now share.

I had the pleasure and honor of serving with Senator McMILLAN on three important committees—Appropriations, Commerce, and Naval Affairs—and it was through their meetings that I came to know him well as a Senator and as a friend. The questions before these committees are often of the greatest importance to our Government, requiring, for right solution, wide knowledge, sound judgment, absolute sincerity, strict honesty, and broadness of view. In whatever respect the acts of these committees may have fallen short of securing universal acceptance, little of that failure can be attributed to him whose loss we deeply deplore. To every problem he applied that careful study which gave to his opinions a weight and value that were freely acknowledged, and his influence was exerted for the right, for the best good, and for the honor of our country.

Few people, probably, realize that the real work of legislation is performed in the committees of the Senate and House of Representatives. It is there that the twenty thousand or more bills which are presented to each Congress are examined, those which are bad, impracticable, or objectionable set aside, and those which have merit fully discussed, and, if deemed in the public interest, placed in the way to receive the sanction of the Senate and the House. The amount of labor which is involved in the consideration of these twenty thousand and more bills is very great, but Senator McMILLAN, though sorely burdened, never ceased his tireless work upon those that came before him. The examination into the needs of the different Departments of the Government, that the appropriations therefor may be adequate but not extravagant, is a work in which much time and investigation are spent, and spent profitably to the people by such men as my late colleague, who countenanced no expenditure which, as a business man, he would not allow were it a question of an enterprise of his own. In the matter of commerce and the improvement of rivers and harbors, he was as painstaking and as thorough as though his own commercial interests were at stake. In naval matters, the defensive needs of the country were his first consideration, and he gave his approval to all measures that tended to secure a greater measure of safety for our country.

Besides his arduous duties on these committees he was for many years chairman of the Committee on the District of Columbia, which is its virtual governing body. What has been accomplished by him in what may be called his administration of its affairs is well summed up in a comment made more than once that Washington is the best governed city in the United States. The pride taken by him in the capital finds expression in the comprehensive plans for its improvement and beautification recently perfected. Should those plans be carried out, the name of JAMES McMILLAN will thereafter be inseparably connected with the most beautiful capital in the world.

Though the voice of JAMES McMILLAN will be silent forevermore, yet will he live to all those who knew him well, for the good which is in all honest men is not interred with them, but continues to exert its influence after they are gone. No one who came into intimate contact with our colleague while among us can ever, I think, escape the influence of that upright character. His life as a public and a private man will ever serve as an incentive to bring to bear in public and private business that

industry, sincerity, honesty, and loyalty which made him what he was—a man receiving and deserving the respect and gratitude of the people of the United States. No better standard for public men can be found than that which he has established, and in his death the body of which he was such an honored member has lost one of those great characters which do so much to keep at its high level the Senate of the United States. But he will never again move among us. His voice is forever silent. His life is blended with the mysterious tide which bears upon its current nations, empires, and peoples into the great ocean of eternity.

Mr. TILLMAN. Mr. President, the number of feeling and eloquent tributes that have been paid to our dead friend indicates only too clearly the high esteem and honor in which we all held him. There is no need for anything more to be said than has already been said, but I would do myself an injustice and do my own feelings a wrong were I to remain silent on this occasion and not have something, however brief and unstudied, to say about the dead Senator whom we are all endeavoring to honor. I am unwilling to have his chaplet made up without contributing at least one flower.

During the eight years of our service here together—he was my senior by some years—I have closely watched him, as well as all my other colleagues, and I have come to have some ideas about the Senate and Senators that are perhaps not shared by others. I know that while in this Chamber there is something more or less like a mask which we wear because of the publicity which is given to our utterances and our acts, it is in the committee rooms, where there is nothing of that, that we learn to know each other, to know each other thoroughly, and to judge with as keen an analysis and power of reaching at the true inwardness of character as the royal acids go into material things.

It was in the committee room that I first learned to know and to value this man, and it was there that I had evidence of his respect and friendship, which I came to value as it deserved. There was a simplicity, a geniality, a self-poise about him that very few men whom I have met here possess. Kindly, quiet, gentle, there was still that firmness which indicated that he had absolute faith in his own purposes and absolute confidence in his own judgment. It is in the light rather of the man than of the Senator that I shall remember him, and shall always be glad to have known so fine a character. Remembering the rugged health which he apparently possessed, for he was never complaining, and his constant attendance upon this body in its sessions, and his tireless work in the committees, if we had been called on when we adjourned last July to pick out from among our number a man who would be called away during the interim between the sessions—if we had voted by guesswork as to who should die next—I doubt if Mr. McMILLAN would have received a solitary vote. In the suddenness of his death and the shock it produced we are reminded of the uncertainty of life and the tragedy in which we ourselves may soon be an actor.

It was only a brief while after we left here when the telegrams came announcing his sudden and sad death. This reminds us, Senators, that in our acrimonious discussions of public matters and in our narrow partisanship and bitterness, and all that kind of thing, the associations in this Chamber ought to teach us greater charity to one another. We do not know who comes next. We can not tell before whose door the angel of death shall next appear to deliver his dread summons. We do not know how soon the next one of us shall go hence.

In thinking about this man who has gone I can hardly realize that he is dead. I am reminded constantly that he may be just staying away, like others have done, from some cause. But the ceremony we are going through, the repeated and earnest and honest and feeling tributes which we have paid to him, only go to show that there will never be a morning when we shall meet him again. Those beautiful words of Lamb, addressed to a young girl who had just died, come to my mind in this connection:

My sprightly neighbor gone before,
To that unknown and silent shore,
Shall we not meet as heretofore,
Some summer morning?

We shall never see him again here, but we all know that we are hastening to greet him elsewhere. Let us all strive to live such lives that we can have said of us after we die, and said truly, one-thousandth part of what has been said here to-day in behalf of this man's sterling worth, his genial, happy, open-hearted, kindly nature, and be able to claim even a tenth or a twentieth or a hundredth part of the respect and love which he has won here so unostentatiously and modestly.

Mr. BACON. Mr. President, a graphic picture of sympathetic grief is that portrayed in the Holy Book in the scene where, when utter desolation had overtaken him whose name is the synonym of affliction, the mourners, with mantles rent and with dust sprinkled on their heads, sat beside him in silence. Human emotion in

all the ages has been the same, and now, as in that farther past, speech, if not altogether vain, is all insufficient in the presence of the great mystery.

And yet, sir, we can not put our dead away in silence. The bereaved heart must speak its pain, and friendship can not forbear to pay its tribute of love and sympathy.

Mr. President, I have but a word to say, and that word I would not neglect this opportunity to utter.

An eminent Republican statesman is reported to have said upon the occasion of the death of a Democratic colleague, that among the sweetest fruits gathered in political life are those which hang over the party wall. Beautiful is the simile in which the thought is expressed, and to its truth there will be found a ready assent by all political opponents who recall the sweet association they have enjoyed in this Chamber with Senator McMILLAN.

In the Senate, as the years pass by, many come and go and some for a time remain. Among them, in the course of years, many types are found, and his type was of the best of them. It may be properly said that his was a rare type—rare in its excellence and rare in its peculiarities. In his make-up there were some marked contrasts, and yet while thus marked they were pleasing contrasts. While he was essentially a conservative man, he was a political partisan in so far that he was devoted to the tenets of his party and unswerving in the loyalty of his support to its measures; nevertheless no man was more broadly catholic than he in the toleration of differences in political opinion.

No one was than he more deferential to the opinions and considerate of the feelings of those between whom and himself those differences existed. No one was more pronounced in opposition to the measures of the opponents of his party; but no Republican Senator than he has ever counted more personal friends upon this side of the Chamber.

The many courtesies extended by majority Senators to those of the minority daily attest the kindness and the cordiality of the personal relations which happily exist here, in spite of the heat sometimes evolved in the shock of earnest debate. In the front rank of Senators thus distinguished by these courtesies stood Senator McMILLAN. And thus it was that in his daily intercourse, official and personal, with his political opponents in the Senate, there grew only ever-increasing cordiality and good will.

He was not a speechmaker; but, charged as he was with duties and responsibilities relating to the gravest and weightiest matters of the Government, as to matters the responsibility for which peculiarly devolved upon him, there was no Senator whose views and opinions were better known or more influential in the Senate.

In his bearing and demeanor there was an unvarying dignity, but austerity there was none. On the contrary, his never-failing courtesy, his unaffected and ready smile, his cordial grasp of the hand, the manly tone of his unreserved frankness, all come back to us as an ever-pleasant and ever-abiding memory.

He was no idler. His unflagging industry was in the work hours ever busy in gathering and storing up the information and in working out the great problems of the vast measures with which the Senate has to deal—problems which are dealt with by the great Committees on the District of Columbia, on Naval Affairs, on Commerce, on Appropriations, and on the Relations with Cuba; but when the labor was put aside, no devotee of fashion enjoyed more unfeignedly than he social pleasures and the delights of the bounteous hospitality which he generously dispensed.

With large business interests which necessarily invited his personal attention, with a fondness for outdoor sports which daily tempted him to the woods and the fields, he was, nevertheless, ever attentive to his official duties, and rarely did it happen while the Senate was in session that he was not to be found either in this Chamber or in his committee room.

Mr. President, the story of his life is a grateful task properly belonging to others. Upon this occasion mine is the simple office to say some things at this time of his personal relations with ourselves, which I am sure will be cordially concurred in by all Senators on this side of the Chamber—those not of his party faith and affiliation; and above that to testify by the fact of my participation in these exercises to my esteem and admiration and the personal love I bore him.

Sir, those of us who recall his manly form as he went in and out among us, dignified, quiet, composed, and with the kindled eye of steady purpose, can realize how he died as he had lived, and how, unwasted by disease, with physical vigor unchanged, with mental faculties unimpaired, calmly and serenely he went to his final sleep like one who "lies down to pleasant dreams."

Mr. FAIRBANKS. Mr. President, the ceremony in which we are engaged to-day is time-honored and beautiful. It is most fitting that we should pause in the transaction of the nation's important business and pay tribute to the memory of one of the nation's departed servants, to place upon the permanent records

of the Government the measure of our esteem for his life and work.

During my comparatively brief service in this body the grim reaper has gathered a rich harvest from among the membership of the Senate of the United States. He has respected neither person nor place; he has pursued his insatiable quest and has struck often where we least expected.

I have listened with great interest to the eloquent and just tributes which have fallen from the lips of many able Senators in honor of the memory of JAMES McMILLAN, late a Senator from the State of Michigan. I might well be silent. I can not, however, refrain from adding my brief and sincere token of esteem and affection, for Senator McMILLAN was my friend, and this is the last kindly earthly office which friend can perform for friend.

We recall to-day the life and achievements of no ordinary man. Senator McMILLAN attained high rank and long held a position of distinct and commanding influence in his State and the nation, and we may well contemplate the qualities which gave him place and power and which made him "troops of friends." All that remains to us is the precious memory of the generous elements within him and of the many good deeds he wrought in both private and public life.

He was a man of marked force of character and of unusual power. For many years he wielded great influence in this exalted body, and why? Those who knew him best need no answer. He was not an orator; he spoke but seldom, and only when occasion imperatively demanded, and then in the briefest possible way. His eyes were never fixed upon the galleries. There was never present in what he did any suggestion of a thought of mere personal aggrandizement. He coveted the rich jewel, modesty, and seemed to care first of all for the approval of his own conscience. He sought to win the confidence of men, without which all enduring efforts are vain, and having gained it he never abused it.

He was a man of uncommon good judgment. He possessed that homely and invaluable quality called common sense, and reached the central truth of great and important questions with an almost unerring instinct.

He brought to the Senate large experience in the vast affairs of the business world, a sphere in which he performed a conspicuous part. He had long dealt with important and difficult problems. He had cultivated the executive faculty, and well understood how to dispatch business of magnitude. He was never confused by the multitude of complex, often almost bewildering, questions pressing upon the attention of the Senate. He adopted for the consideration of the public business the same orderly method observed in the conduct of his large personal affairs.

He had confidence in the integrity of his own opinions, yet he was neither dogmatic nor offensively assertive in maintaining them. His mind was open to the appeals of truth and reason. His opinions were always coined in the mint of an honest purpose. He was a sincere man and did not indulge in indirection or dissimulation. He had no patience with sham and pretense, for he loved the genuine and the natural.

He was a man of firm and strong character. He was indifferent to nonessentials and readily yielded them, but he was strong in his adherence to the essentials. Matters of principle, of conscience, had no more inflexible supporter than he. What they commanded he faithfully did, and he could not do otherwise. He possessed that necessary quality in statesmanship, integrity of purpose. Without it there can be achieved in statecraft no honorable and enduring success. True statesmanship is not founded upon mere expediency, but upon fundamental principles of right and justice. Statesmanship of the highest order finds its predicate in a patriotic and enlightened purpose.

Who that knew him can forget the personal bearing of our friend among his associates in this Chamber? His manner was dignified, easy, and courteously deferential, quiet, and genial. His pleasant smile and warm grasp of hand were but the external expressions of the true nobility within.

Senator McMILLAN was a philanthropist in the best sense. The way to his generous heart was open to the deserving unfortunate; he greeted the outstretched hand of need, and with sympathy heard the plaintive voice of want. He sought larger opportunities in life, not for selfish purposes, but that he might the better render service to others.

Our nation's capital has lost its wisest and most serviceable servant. He had given it years of earnest thought, systematic and careful study. He worked along broad lines, as he always did, and firmly believed that the greatest nation should have a capital fairly typical of its majesty and power. He believed that such also was the desire of the people, and in what he did toward the development of Washington into the first capital among the nations of the earth he felt that he but interpreted the wishes and purposes of his countrymen, and that he was but giving tardy effect to the far-reaching plans of George Washington.

When we parted with our colleague at the close of the last session none believed that we would not meet him again when we reassembled. His appearance gave promise of many years of usefulness to his country, of pleasant comradeship to his associates, and of sweet influence within his home, that charmed circle where abide the most sacred memories upon this earth. In all the vast lexicon of man there is no holier word than home.

In all that has transpired, we realize how short is our vision, how little the wisest among us can see beyond the hour. When the intelligence came to us that Senator McMILLAN was dead, we could scarcely believe the sad truth. When doubt was dispelled and the dread reality was forced upon us, we could well believe that he met the swift summons uncomplainingly. He so often during his eventful career had met occasion so well prepared that we can believe that he was not unprepared for this.

No stain rested upon the record of our friend. There was no act in all of his earnest life which we could wish were undone. Along the arduous path through which he passed were countless deeds of generosity, of philanthropy, of humanity. He did not live for self alone, but he lived for others.

His career was one of great usefulness and, measured by the best human standards, it was a most successful and honorable one. He loved his country, he loved his State, he loved his fellow-men. He lived for them, and he would, if need had been, have died for them.

In the month of August last, midst a wealth of flowers whose beauty and fragrance had filled his days with joy, and through streets thronged by the sorrowing multitude, we bore our friend to his final resting place. In the beautiful and tranquil "city of the dead" we laid him tenderly away and left him to his everlasting rest. Sleep well, thou generous, incorruptible, and chivalric spirit. In this last and loving office we, who labored with and trusted and loved you, say a last farewell.

Mr. DEPEW. Mr. President, these occasions are more than mere tributes to the memory of departed brethren. They give the opportunity to recall honorable and successful lives and to point to them as examples which are valuable to the States of those who have died and to the country. There is no better representation of every phase of American life, character, and achievement than the Congress of the United States. In it are men who have forged to the front in the strenuous battle which is upon us everywhere and have so impressed their fellow-citizens as to be selected to make their laws and manage their Government. No student of the Congressional Directory, through the years of our existence as a government, can but feel inspired with hope and ambition. It is a dictionary of success mainly from the humblest beginnings. It is a record of those who have honored that much-abused phrase "self-made men."

During most of the formative and revolutionary period of our history lawyers have commanded legislative positions. The people believed that the education and training necessary for admission to the bar and the familiarity with the laws which are requisite for the practice of the profession especially fitted lawyers to be legislators. It is only within recent years that business has become the leading profession of our country. It is business interests which are most likely to be affected favorably or otherwise by legislation. Until almost a decade ago the more active a man was in industries the less interest he took in politics. I remember a great merchant of New York who voiced the sentiments of his associates when he said that he crossed off his credit book "any customer who was in politics or aspired to or held office." For a period it was fatal to the aspirations of a young man entering upon a business career to have applied to him what was then the opprobrious name of "politician."

When a young legislator in our State legislature, I was at a meeting of those merchants and financiers who controlled the business of the metropolis. They had members of the legislature as guests in order to present to them their views upon pending legislation, which, if enacted, would have inflicted serious damage upon the city. We discovered that none of them ever voted except at Presidential elections. None of them took any part in the preliminary work which controls parties and selects their representatives. I told them then, and have been more than ever convinced since of its truth, that people who take no part in politics have no right to complain of what politicians do for them; that if they suffered, it is their just punishment for the neglect of the highest duty of citizenship. Now, however, that condition has happily changed. Business men find that if they would keep prosperity for themselves and for the country they must take an active and intelligent interest in public matters.

Senator McMILLAN was the leading business man of his State and among the foremost of its successful men of affairs. He was never satisfied with occasional voting and continually complaining and criticising, but he found time, as every man can, for a beneficent interest in local, State, and national matters. He dem-

onstrated that the manager of a great business, without neglecting the welfare of his associates, can serve his city or his town if they require his experience or his brains, or his party as chairman of its State committee, by bringing to that organization in that capacity the faculties which have placed him at the front in the creation of enterprises and the management of affairs. Senator McMILLAN was entitled, if anybody, to that phrase with which we are becoming gradually familiar, a "captain of industry." Great as has been the progress and development of the United States, materially, financially, and industrially, fortunately public sentiment has kept pace with its growth.

A Senator of national reputation said a quarter of a century ago that there is nothing so dangerous to the public welfare as a million of dollars unless it be two. This declaration received universal applause. But we have learned to draw the line between money which is active in the creation of new industries, in enlarging the scope of old ones, in developing resources and opening new territories for settlement, and that baser and sordid use of accumulations which benefits, if it does benefit, only its selfish possessor. If a million dollars will give employment to 500 men, two million will require the services of a thousand. A billion-dollar company places upon its pay roll 125,000, and as part of its success, by concentration and reduction of cost, adds 25 per cent in wages to the 25 per cent more employed than under former conditions. The railway whose capita lenabled it to build a hundred miles gives work upon its single track and limited facilities to a mere fraction of those who are required when it extends a thousand miles, with the equipment, which both attracts increasing traffic and stimulates it.

Here we have in the career of our friend a concrete object lesson of this process of beneficial development. Coming as a very young man from Canada to Detroit, he starts in employment as every American boy does, and then as he masters the business arrives at partnership and control. The shop becomes a factory, the factory expands from the product of one article to many. The ramifications of the business extend beyond the city, through the State, and from the State all over the country. The employment runs from one to ten, from ten to a hundred, from a hundred to several thousands. At each advance there is a betterment of every condition, both for the business and for those in every capacity who are connected with it. The city soon recognizes and utilizes that faculty of organization and administration which had accomplished this result. His party demanded a service which was conspicuously performed in the leadership in Michigan in several Presidential campaigns. Then the State asked of him for the Commonwealth of Michigan this talent for its representative in the United States Senate. For thirteen years he sat here as Senator of that great State. At the time of his death he had just been returned for six years more. He was not an orator. He had not the gift of speech, but in labor and in counsel there was no more valuable member in this body. Business in its highest sense, that business which means prosperity to the country, the employment of capital and labor, activities of every kind which enlarge old avenues and open new, found in him here one of its most efficient representatives. He was for years at the head of the Committee on the District of Columbia. The capital as we have it to-day, with its parks, its avenues, its water, its public buildings, its transportation facilities, and all that makes it the finest example of an American city, owes much of its beauty, its comfort, and its development to the wise administration of Senator McMILLAN.

In all ages the question has constantly recurred, In what manner, if the choice were left to us, would we prefer to die? The prayers in most churches all over the world offer on every Sabbath day the petition to preserve us from sudden death. That is based upon the theological dogma that the sins of a lifetime can be forgiven and salvation secured by a death-bed repentance. Without desiring any controversy, I can not help believing that in the bookkeeping of heaven there is a debit and a credit account which can only be balanced by works as well as faith, by deeds as well as professions. So I count most happy those who escape the agonizing scenes, so often recurring and so painful at death, of parting with those we love. Here we have a friend who in every position in life did his duty according to his best lights as a father, a husband and a citizen, a man and a Senator. He so lived during the time allotted to him by God that when in a moment he was called to join the majority, he left behind him nothing but praise and had before him the certainty of reward.

Mr. ALGER. Mr. President, when the last leaf is turned and the book of life falls idly to the ground, we pause and think. The crowding incidents of conflict and treaty, of loyalty and indifference blend together, with the happier memories dominant.

It would be impossible for me here to give a history of the life of JAMES McMILLAN. With its main features the whole country

is familiar, and it is not its details which concern us so much as its significance.

The story of his younger days is all the story of a struggle; that grim, silent struggle of a man against circumstances, wherein there is no mean between subjection and mastery—McMILLAN conquered. Step by step, steadily and wisely, he moved forward; from schoolboy to clerk, from clerk to proprietor, and thence to the control of great commercial interests. Through the valley of toil he walked strong and unwavering. Great factories in his home city and ships on our Great Lakes bear witness to the many enterprises that mark his life's achievement.

His charity is shown by hospitals, and his quiet giving the poor and needy will always hold in grateful remembrance. He prospered in the affairs of the world until that prosperity moved almost of its own weight.

His State made him a representative in this great body. Of his career here it would be presumption for me to tell you—his colleagues. The new beauties of this capital city are but examples of his creative and comprehensive mind. They are the facets of the gem which catches the light; the expression, in terms, of the beauty of a character built on effectiveness.

I could tell you of an acquaintance of more than a third of a century with this man, who was ever courteous, generous, and modest, whose courage was unyielding, and whose character was made strong by an unflinching determination. But I could tell you nothing half so eloquent as the single-hearted devotion of those and to those who lived in closest communion with him.

Memory will inscribe upon her tablets his unflinching loyalty and love to those he held most dear. Let that be JAMES McMILLAN'S monument.

It matters little how long life is; it matters all how it is lived. He, the man, has come and gone. With him, a strong man has been in our midst, a generous one has passed away. Simply he trod the road, and simply he turned aside to rest. Let posterity pass the final judgment upon his public deeds, as it will upon ours.

Distance lends perspective, and only in perspective can objects attain a true proportion. But whatever a future generation may think or say, we, his contemporaries, write him JAMES McMILLAN, statesman, gentleman, friend, and man.

Mr. President, I ask for the adoption of the pending resolutions. The resolutions were unanimously agreed to; and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, January 31, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 30, 1903.

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. ALEXANDER McDOWELL, who read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 30, 1903.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, as Speaker pro tempore for this day.

D. B. HENDERSON, Speaker.

Thereupon Hon. JOHN DALZELL took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RED CROSS ASSOCIATION.

Mr. GILLET of Massachusetts. Mr. Speaker, I ask unanimous consent to have printed as a House document the report of the executive committee of the Red Cross Association.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to have printed as a House document the report of the executive committee of the Red Cross Association. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BILLS ON THE PRIVATE CALENDAR.

Mr. GRAFF. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House to consider bills on the Private Calendar, under the special order entered yesterday.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of the bills upon the Private Calendar, and agreeably to the order of yesterday the gentleman from Illinois, chairman of the Committee on Claims, will indicate the first bill to be read.

ELISHA A. GOODWIN.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin.

Mr. PEARRE. Mr. Chairman, I ask the chairman to indicate the Calendar number?

Mr. GRAFF. The Calendar number is 1947.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue duplicates to Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin, late of Vanceboro, Me., in lieu of United States 4 per cent registered bonds, funded loan of 1907, acts of Congress approved July 14, 1870, and January 20, 1871, Nos. 71011 to 71018, inclusive, of the denomination of \$100 each, amounting to \$800, said bonds alleged to have been lost or stolen. Also to issue to the said Elisha A. Goodwin duplicates in lieu of United States 4 per cent coupon bonds of the funded loan of 1907, acts of Congress approved July 14, 1870, and January 20, 1871, Nos. 148356 and 148357 of the denomination of \$1,000 each; 56961 to 56968, inclusive, of the denomination of \$500 each; 66681 and 66682, 168768 to 168787, inclusive, of the denomination of \$100, amounting to \$7,200: *Provided*, That the said Elisha A. Goodwin shall first file in the Treasury a bond in a penal sum equal to the amount of the missing registered bonds and the interest that would accrue thereon until the same shall become due or payable; and a bond in a penal sum equal to double the amount of the missing coupon bonds and the interest that would accrue thereon until the same shall become due or payable, with good and sufficient sureties to be approved by the Secretary of the Treasury, with conditions to indemnify and save harmless the United States from any claim on account of the said lost or stolen bonds.

Mr. GRAFF. Mr. Chairman, this bill is for the purpose of issuing duplicate bonds in lieu of those that have been lost. The bill itself has been drawn in accordance with the recommendation of the Treasury Department and the claim itself is favorably recommended by that Department. The bill is conditioned upon the claimant filing a bond, to be approved by the Treasury Department, of twice the sum involved. I move this bill be laid aside with a favorable recommendation.

The motion was agreed to.

FLORIDA BREWING COMPANY.

Mr. GRAFF. I now yield to the gentleman from North Carolina [Mr. CLAUDE KITCHIN] to indicate the bill which he will call up.

Mr. CLAUDE KITCHIN. Mr. Chairman, I call up the bill (H. R. 10678) for the relief of the Florida Brewing Company, Calendar No. 1194.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and reconsider the claim of the Florida Brewing Company, of Tampa, Fla., for the refunding of \$326.52, amount paid for stamps purchased from the collector of internal revenue at Jacksonville, Fla., and affixed to beer exported to Cuba during December, 1898, and January and February, 1899; and if, upon reopening and reconsidering said claim, said Commissioner shall find said stamps, or any part of the same, to have been affixed to packages of beer actually exported to Cuba, it is hereby made his duty to ascertain the amount paid for stamps so affixed and to allow the claim for such amount; and the Secretary of the Treasury is hereby authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the said sum of \$326.52, or so much thereof as may be found by the Commissioner of Internal Revenue to have been paid for stamps affixed to beer exported to Cuba.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is a bill to refund \$200 of tax stamps on export beer to Cuba. No tax was required by law for export beer to Cuba, but the shippers of this beer paid stamp tax at the rate of \$2 a barrel. The Internal Revenue Department recommends the refunding of this stamp tax. The bill provides for an accounting with the Internal Revenue Commissioner and whatever amount he finds ought to be refunded shall be refunded.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM D. RUTAN.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 903, Calendar No. 758) for the relief of William D. Rutan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to credit the account of William D. Rutan, late collector of internal revenue at Newark, N. J., with the sum of \$1,350, the same being the net value of certain snuff stamps forwarded by said Rutan to the Commissioner of Internal Revenue for exchange under the provisions of an act of Congress approved June 13, 1898, which stamps were lost in transit, or otherwise, and never accounted for.

Mr. GRAFF. Mr. Chairman, this is simply a bill for the purpose of paying a late collector of internal revenue in Newark, N. J., \$1,350, the net value of snuff stamps forwarded by him to the Commissioner for exchange, under the act of June 13, 1898, which were not credited. The Commissioner of Internal Revenue reports the stamps were returned as obsolete, and that one registered package actually received in his office could not be traced or found; that Rutan's cash and stamp accounts balanced; that the stamps were obsolete and could not be used, and that he, the Commissioner of Internal Revenue, recommends the passage of the bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

ALEXANDER S. ROSENTHAL.

Mr. GRAFF. I now yield to the gentleman from New York [Mr. GOLDFOGLE] to call up a bill.

Mr. GOLDFOGLE. Mr. Chairman, I call up the bill (H. R. 6714, Calendar No. 1023) for the relief of Alexander S. Rosenthal. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander S. Rosenthal, late consul of the United States at Leghorn, Italy, the sum of \$819.11, to reimburse him for moneys expended by him in procuring the disinfection of articles of merchandise shipped from the port of Leghorn, Italy, to the United States during the prevalence of cholera in the year 1893.

Mr. GOLDFOGLE. Mr. Chairman, the claimant was the American consul at the port of Leghorn, Italy, during the prevalence of the cholera at that port. The consul was required to ship a considerable quantity of merchandise to American ports. There was no law providing for an appropriation for the purchase of disinfectants. The consul had been appealed to by the American shippers and consignees as well as by the exporters to have the shipments promptly made. He consulted the statutes with regard to charges, and found that he was not permitted to impose any greater charges than those expressly provided for in the law. He communicated with the legation at Rome, and was there instructed to have the shipments promptly made.

For the purpose of effecting such shipments as well as for the purpose of preventing the spread of disease in this country, he very prudently indeed expended the sum of eight hundred and some odd dollars mentioned in this bill. The fact is, that this money had been so expended, and unless the consul had taken these precautions against the spread of cholera in our ports, the goods would not have reached our ports, in pursuance of the request of the shippers and of the directions given by his superior officer, and had the consul not taken these precautions the dreadful plague might have been brought into this country. There is no appropriation provided for the reimbursement of this expenditure, and for want of such appropriation relief must of course be had from Congress. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. PAYNE. Has any of the departments examined into this matter and ascertained the facts in regard to it?

Mr. GOLDFOGLE. Yes; the Department seems to have been communicated with. There is a long communication appended to this report.

Mr. PAYNE. What Department?

Mr. GOLDFOGLE. The State Department.

Mr. HULL. What does the Department recommend?

Mr. PAYNE. What do they say about it?

Mr. CLAUDE KITCHIN. All the vouchers from the medical officers at Leghorn are on file in the Treasury Department.

Mr. PAYNE. What was the value of these goods?

Mr. GOLDFOGLE. It ran away up into hundreds of thousands.

Mr. PAYNE. Did the shippers pay that amount in the first instance?

Mr. CLAUDE KITCHIN. The shippers are not required to pay, and, in fact, the statute provides that if the consul shall impose any greater charges than those provided by the statutes he shall be deemed guilty of extortion. Therefore the charge could not be imposed upon the shippers.

Mr. PAYNE. Then they did not pay it?

Mr. CLAUDE KITCHIN. Of course not. Yet the consul was directed by his superior officer, the minister, to have the shipments made.

The CHAIRMAN. The question is on the adoption of the motion of the gentleman from New York [Mr. GOLDFOGLE]; that the bill be laid aside to be favorably reported to the House.

The motion was agreed to.

FANNIE T. SAYLES.

Mr. GRAFF. I call up the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others.

The bill was read, as follows:

Whereas it appears that George A. Bartlett, disbursing clerk, Treasury Department, did, on the 19th of July, 1902, issue a check, No. 1812553, upon the Treasurer of the United States at Washington, D. C., in favor of Fannie T. Sayles, executrix, and others, for the sum of \$3,708.33, being in payment for rent of a building in Indianapolis, Ind., for quarters for Government offices; and said check was by the said Fannie T. Sayles, executrix, and others, indorsed for deposit in the Merchants' National Bank, Indianapolis, Ind., and so deposited, which check was subsequently mailed by the Merchants' National Bank to its correspondent for collection, and was destroyed in a wreck on the Pennsylvania Limited on July 24, 1902, in transmission through the United States mails; and

Whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn for \$2,500 or less: Therefore,

Be it enacted, etc., That George A. Bartlett, disbursing clerk of the Treasury Department, be, and is hereby, instructed to issue a duplicate of said original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. GRAFF. Mr. Chairman, under existing law the disbursing clerk at the Treasury Department has no right to issue a duplicate check in excess of \$2,500. The amount in this case exceeds that sum by eight or nine hundred dollars; therefore the claimants are compelled to come to Congress for relief. The bill has been drafted by the Treasury Department and recommended by it.

Mr. PAYNE. Under the general law, I believe parties receiving duplicate checks are required to give a bond. Is there such a provision in this bill?

Mr. GRAFF. Yes, sir; the language of the bill is—under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

HEIRS OF PETER JOHNSON.

Mr. GRAFF. I call up the bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, directed to pay to the heirs of Peter Johnson, deceased, the sum of \$1,859.91, being balance due him for carrying the mail on route No. 8588, between Saluria and Corpus Christi, in the State of Texas, from July 1, 1868, to June 30, 1862.

The amendment reported by the committee was read, as follows:

At the end of the bill add the following:

said amount being for the time reported by the Auditor for the Post-Office Department, to wit, from December 31, 1860, to May 31, 1861.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is a claim for carrying the mails prior to the war, and the amount stands now credited on the books of the Treasury Department. We have a letter from the Secretary of the Treasury showing that the amount is now due on a settlement had with this party before the war. The reason the Treasury Department did not pay the amount was on account of a statute passed in 1867 forbidding any officer of the Government paying any claim or demand to any person who was not known to have been in favor of the Union and against the Confederacy. I believe, however, there was an act passed in 1877 relieving mail carriers from the operation of that statute. This amount, as I have stated, is due, according to the books of the Treasury Department, and should be paid.

Mr. PAYNE. I should like to ask the gentleman this question: Does it appear in the report or by the evidence before the committee whether this man was paid by the Confederate government for carrying the mails?

Mr. CLAUDE KITCHIN. It appears that he was not, and the Treasurer says their records do not show that he was paid.

Mr. PAYNE. Of course, if he was carrying the mail of the Confederate States during the course of this time—

Mr. CLAUDE KITCHIN. No; not during the course of this time.

Mr. PAYNE. Up to 1862.

Mr. CLAUDE KITCHIN. Oh, no; that is amended. The amendment was to strike out that. His contract was until 1862, but the contract was annulled on the 31st of May, 1861, by the Government, and this is for services only up to May, 1861.

Mr. PAYNE. Commencing at what time?

Mr. CLAUDE KITCHIN. From January, 1861, or 1860.

Mr. PAYNE. How much does the bill carry?

Mr. CLAUDE KITCHIN. Little over \$1,800. This is the amount found due in his settlement with the Government prior to the war between the States, and so appears upon the books.

Mr. PAYNE. Why is it that this claim was not paid at the time, or a portion of it?

Mr. CLAUDE KITCHIN. Simply because the war broke out and there was a statute passed in 1867—

Mr. PAYNE. Oh, I know, but this commenced in 1860, the forepart of 1860, as I understand. Why was not the installment paid for 1860?

Mr. CLAUDE KITCHIN. Because no settlement was had with him prior to May 31, 1861, and this balance appears to his credit for services from January 1 to May 31, 1861. We have passed several bills like this. The only reason all such bills have not been paid before is on account of that statute of 1867, passed when the feeling between the two sections of the country was very bitter.

Mr. PAYNE. But here is a bill for services for a year and four months prior to the breaking out of the war.

Mr. CLAUDE KITCHIN. Oh, no; from January 1 to May 31, 1861, the same year.

Mr. PAYNE. That is only three or four months.

Mr. CLAUDE KITCHIN. Yes.

Mr. PAYNE. That is a pretty heavy mail contract.

Mr. CLAUDE KITCHIN. Well, the Government made the contract with him, and this is the amount found in the settlement.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is first on the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The motion was agreed to.

CLARA H. FULFORD.

Mr. GRAFF. Mr. Chairman, I next call up the bill (S. 916, Calendar No. 1500) for the relief of Clara H. Fulford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of Mrs. Clara H. Fulford, widow of D. Fulford, two bonds of the United States, of the denominations of \$50 and \$50, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to Mrs. Clara H. Fulford, widow of said D. Fulford, the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.

Sec. 2. That the said Mrs. Clara H. Fulford, widow of D. Fulford, shall also execute and file with the Secretary of the Treasury a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of \$300, conditioned to save harmless the United States from loss or liability on account of said bonds or the interest accrued thereon.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JACOB SWIGERT.

Mr. CLAUDE KITCHIN. Mr. Chairman, I next call up the bill (H. R. 12075, Calendar No. 1264) for the relief of Jacob Swigert, late deputy collector, seventh Kentucky district.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$300 to Jacob Swigert, late deputy collector, seventh district of Kentucky, the said sum of money being payment in full to said Jacob Swigert on account of loss of 20 ten-dollar documentary stamps during the month of January, 1899.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is for loss of \$300 worth of revenue stamps which were destroyed by fire. The bill is recommended by the collector of internal revenue in Kentucky. The stamps were in the possession of the deputy collector. He had purchased these, with other stamps, for some railroad to attach to a deed. When he opened the package he found all the stamps there. He then put the package in an iron safe. When he reopened the package for delivery of stamps those special stamps, for which this claim is made, were found to be missing, and it is supposed that when first opened they dropped from the package and were swept into the fire. This is the only way to account for their loss. They were 20 ten-dollar stamps and have never been found, and of course have never been used. The Government lost nothing.

Mr. PAYNE. Is it recommended by the Commissioner of Internal Revenue or the Secretary of the Treasury?

Mr. CLAUDE KITCHIN. No; they do not make any recommendation at all.

Mr. PAYNE. Has there been any investigation at all, except by the deputy collector himself?

Mr. CLAUDE KITCHIN. Yes, the collector himself—

Mr. PAYNE. Of course the collector himself, but I say by any other person.

Mr. CLAUDE KITCHIN. As I said before, the deputy collector who purchased these stamps for the railroad, when he opened them, found all the stamps were there. He put them in his vault, but when he went to get them out for the railroad he found that these ten-dollar stamps were missing. They must have dropped from the package when first opened and then swept into the fire. The deputy collector swears so.

Mr. PAYNE. I understand; but it seems nobody has investigated the facts and recommends the passage of the bill except the collector there, who is responsible for the stamps himself.

Mr. CLAUDE KITCHIN. There is no way to prove they were destroyed except by the collector himself and his deputy.

Mr. PAYNE. They could send an inspector there to take the evidence, some intelligent man.

Mr. CLAUDE KITCHIN. The Government did not send an inspector there, but the collector of internal revenue examined into it, and there are affidavits which go to show that the deputy has a splendid character and has made a most diligent and faithful officer. He swears that the stamps were lost or destroyed, as explained.

Mr. TAWNEY. The Government was paid for the stamps?

Mr. CLAUDE KITCHIN. Yes; and those stamps have never been used in that county; and I do not suppose any irresponsible party could dispose of ten-dollar stamps. They have never been found.

Mr. TRIMBLE. Mr. Chairman, I introduced this bill, and the facts in the case are these: Mr. Swigert was the deputy collector at Frankfort, and he made a special requisition for 40 one-dollar stamps, 30 three-dollar stamps, and 20 ten-dollar stamps for a special purpose. He examined the package containing the stamps and found the contents to be correct, and, as he thought, placed them in his safe until they were needed; but a few days afterwards he went to his safe to get the package, and when he opened it the 20 ten-dollar stamps were missing.

Mr. PAYNE. What evidence did the committee have before it of the loss of these stamps?

Mr. TRIMBLE. There is no evidence except that of Mr. Swigert, which, in substance, is as follows:

That during the time he served as deputy collector aforesaid he served as stamp deputy for division 1 of the seventh district of Kentucky, under appointment from Hon. Sam. J. Roberts, collector of internal revenue for said district.

That during January, 1899, there was sent to him as said deputy collector a small white envelope, same being attached hereto and marked "A" for identification, which contained the following documentary adhesive internal-revenue stamps: Forty one-dollar stamps; 30 three-dollar stamps, and 20 ten-dollar stamps, the same being a special order and intended to be used to stamp deed transferring the Kentucky Midland Railway.

That upon the receipt of said envelope he tore same open to ascertain if it contained the stamps ordered, and after examining the contents of the envelope placed same in vault, which is located in his office, for safe-keeping until they were called for. That several days later (six or seven) upon Mr. George B. Harper, receiver of said Kentucky Midland Railway, calling for same, he went to the vault to get them for the purpose of selling them to him, and upon looking in the envelope for them found that the 20 ten-dollar stamps, which he thought he placed in the vault in the envelope along with the other stamps, were missing.

That he immediately reported said fact to the collector of internal revenue at Lexington, Ky., and made thorough search throughout his office and vault, but was unable to find said stamps.

He further states that he firmly believes that said stamps were inadvertently dropped upon the floor by him, when he was examining contents of envelope and at end of day gathered up with the waste paper and burned in office grate, as it was the universal rule to so burn scrap paper at end of day.

He further states that no stamp of the denomination of \$10 has been used at the county clerk's office of Franklin County, the county in which his office is situated, since the war tax went into effect and that the smallest instrument demanding 1 ten-dollar stamp would be a \$10,000 deed.

Mr. Chairman, this is a just claim. The stamps lost were of such a denomination that they could be affixed only to a \$10,000 instrument. Consequently no petty thief could have stolen and used the stamps. They were never used in the county where they were bought to be used, and the 40 one-dollar stamps and the 30 three-dollar stamps were there. If they had been stolen, the smaller denominations would have been taken. Mr. Swigert had to replace the stamps. He is a poor man and not able to stand the loss. As I have said, he was an exemplary officer and a man of sterling integrity and undoubted veracity. I know him and can vouch for these facts.

Mr. PAYNE. Mr. Chairman, it does seem to me that the committee ought to investigate a case like this more thoroughly. Of course the amount is small, but I hate to see a precedent like this established, by one collector coming in here, the man interested, and on his own affidavit obtaining the passage of a bill for a claim like this. It seems to me that the committee ought to have investigated further, and ought to have presented some better evidence to the committee than they are able to present in this case. I know it is a small amount, and the gentleman who introduced the bill seems to know the deputy collector, and says he is a man of the highest character. He probably would not be concerned in the larceny of \$300 worth of stamps; and yet it is not a good precedent to establish, because some day some man may come in here who is not of the highest character and about whom there might be some doubt.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAPT. E. O. FECHÉT.

Mr. GRAFF. Mr. Chairman, I call up the bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer, United States Signal Service Corps, in favor of the Bishop Gutta Percha Company. This bill does not appear upon the Calendar, but it should be there. It was reported yesterday.

The bill was read, as follows:

Be it enacted, etc., That Capt. E. O. Fechét, disbursing officer United States Signal Corps, be, and he is hereby, authorized and directed to issue to the Bishop Gutta Percha Company a duplicate of an original check issued by said E. O. Fechét on the 29th day of September, 1900, No. 35321, upon the assistant treasurer of the United States at New York, in favor of the Bishop Gutta Percha Company, for the sum of \$2,733, which check is alleged to have been lost in transmission through the clearing house before reaching the said assistant treasurer of the United States at New York: *Provided,* That said duplicate check shall be issued under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks, under the provisions of section 3046 of the Revised Statutes of the United States, including an adequate bond of indemnity.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

JOHN L. YOUNG.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1156.

The CHAIRMAN. Will the gentleman give the House or Senate number?

Mr. CLAUDE KITCHIN. The bill is H. R. 7792, for the relief of John L. Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay John L. Young, of Union, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$1,984.98, being for services rendered the United States in carrying the mails in 1860 and 1861.

The following amendment recommended by the committee was read:

In lines 6 and 7 strike out "\$1,984.98" and insert "\$1,471.18."

Mr. CLAUDE KITCHIN. Mr. Chairman, this is another one of those antebellum claims. The amount stated in the bill was found due upon the settlement with the Treasury Department before the war, and it appears to the credit of claimant upon the books, for services rendered as mail carrier before the war. The Government has received the services, the amount is due, and the committee thought and still think it ought to be paid.

Mr. BURKETT. I should like to ask the gentleman about this bill. I took occasion to look up the other one, but I do not know about this. The facts in the case of the other bill, so far as the report was concerned, were that the committee did not have any evidence about it at all. Now, in this case did the committee have any evidence of the contract?

Mr. CLAUDE KITCHIN. The statement of the Postmaster-General sets out the contract and shows that the amount was due.

Mr. BURKETT. To the same extent that he did in the other cases that we passed a moment ago?

Mr. CLAUDE KITCHIN. Yes.

Mr. BURKETT. To any greater extent?

Mr. CLAUDE KITCHIN. To no greater extent.

Mr. BURKETT. What is the evidence as to this man having been paid?

Mr. CLAUDE KITCHIN. The records of the Department show no payment and the amount is still due, as appears from the books of the Department. Of course the record here would show if he had been paid by this Government.

Mr. BURKETT. What investigation has the committee made to ascertain whether these claims have been paid?

Mr. CLAUDE KITCHIN. The committee had the affidavit of this man that he had not been paid.

Mr. GRAFF. We always require that affidavits shall be filed of that character.

Mr. BURKETT. In the other case the committee did not have any affidavits, as I understand it; at least the report did not say so.

Mr. GRAFF. I do not remember about the other case, but it is the rule generally in these cases that we require affidavits of the claimants, for the reason that the records of the post-office with regard to the payment of cases of this class by the Confederate government are incomplete. They have some of the Confederate records there. They can not answer with definite certainty about payments by the Confederate government; and therefore all they can do is to examine the partial Confederate records in their possession to see that there is no evidence from this partial record that it has been paid. So we supplement this by asking the affidavit of the claimant that he had not been paid by the Confederate government or anybody else.

Mr. BURKETT. Why were not the amounts paid by the Government?

Mr. GRAFF. The reason for that was, these claims originated at a time when the gentleman and I were very small. But the records show to us that hostilities commenced, and orders of the Post-Office Department were issued in various parts of the Southern States; as hostilities developed and parts of the country came under Confederate authority, then these contracts were canceled and thereafter the man ceased to be in the employ of the United States Government, and United States mail was not being carried in that section. Then, of course, the war followed, and there was no opportunity for these people to collect the small balance due them.

Mr. BURKETT. In this other case that I have been looking up I find the man ceased carrying the mail on May 31, 1861.

Mr. GRAFF. Yes.

Mr. BURKETT. He had been paid up to the 31st of December, 1860, and he claims for the time from December 31, 1860, to May 31, when the Confederate government took hold of the matter. Now, I find that notwithstanding that fact he never filed a claim until 1883, as I read the report.

Mr. CLAUDE KITCHIN. I do not know that this claim was filed before. It could not have been filed before 1883, because there was a statute forbidding those claims. It could not have

been paid for in 1867. The statutes then forbid the payment of any of these claims.

Mr. BURKETT. I understand the statute of 1867, but it did not prevent them coming to Congress in the meantime.

Mr. CLAUDE KITCHIN. You know, and we all know, that as early as 1883 the feeling between the two sections, the feeling that had been engendered during the late war had not died away so much as to enable them to get a bill of this kind through Congress, and that is the reason.

Mr. BURKETT. What I was trying to get it is this: It is not a question as to these two cases, but if we pass cases of this sort here it is going to open up cases of this kind from all over that country.

Now, the question that I want to get at is, if the committee has gone into the question and examined these claims. It is not these two cases alone that I am thinking of.

Mr. LIVINGSTON. If the gentleman will permit me, I will state that this is an honest claim, and whether it opens up a lot of claims that does not matter. If the claim is honest the Government ought to pay it, and the Government has been paying them all the time, so that I hope the gentleman will not pursue this matter any further.

Mr. BURKETT. The question that I am trying to get at is whether the committee investigates the claim. Here is a claim, which is brought especially to our attention very recently, of this sort where it has not.

Mr. CLAUDE KITCHIN. You are mistaken.

Mr. BURKETT. I am trying to find out whether the committee ever investigates the claim. So far as the report is concerned there is no evidence of an investigation. In this case the gentleman said he did not know whether an investigation had been made or how much of an investigation before the committee had been made.

Mr. CLAUDE KITCHIN. The gentleman who introduced the bill [Mr. JOHNSON] came before the committee. He knew the man, and had investigated the facts thoroughly, and he stated to the committee that it had not been paid. There are several bills of this kind presented and several bills have been before this House of this nature in which payment has been allowed. When the member representing them comes before our committee and it appears that the Government of the United States has had the service and it has not been paid, we feel like we ought to allow these bills.

Mr. BURKETT. There is no question about that. I am not contesting that. I am trying to find whether there is any evidence to show whether the payment has been made or not. I can not find that there was any evidence.

Mr. CLAUDE KITCHIN. I take it if the gentleman should come before the committee and make a statement of the facts to the committee the committee would gladly take it.

Mr. BURKETT. But I would not ask the committee to take a statement of facts on a matter like that of which I knew nothing personally.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, it seems now from the discussion of the gentleman from Nebraska that this is one of those claims—

Mr. GRAFF. I have just been informed that the claimant died last Friday, and if that is true the bill ought to be amended. Amend in line 4, after the word—

Mr. PAYNE. I do not seem to be able to maintain the floor. Now, Mr. Chairman, it seems that this claimant ought to have been paid by the Confederate Government. We never heard any complaint that they did not do this, especially during the early years of the war. I never heard any complaints but that they did pay this class of claims. The presumption is they paid this claim as the man went on carrying the mail, and of course trusted the Confederate Government for the payment of it. But there is no evidence that it has not been paid so far as the committee have presented it to this House. I know the gentleman from North Carolina said that the member of the House who introduced the bill said it had not been paid. Of course, he did not know of his own knowledge that it had not been paid; he was not there with the contractor to see all that had been paid him during the forty years so that he could say it never has been paid; so there is no evidence before the House, as there was none before the committee, that the claim has not been paid. They come here with the presumption that this claim has already been paid and all there is to overcome that presumption is the statement of the judgment, or opinion, of the gentleman who introduced the bill that the claim has not been paid.

I submit, Mr. Chairman, that we ought not to be called upon to pay claims of this character, over forty years old, without some evidence of some kind, somewhere, that the claim has not been

paid. I do not know how many of these claims are before the committee, but I do know that if we go into this business of paying claims without requiring evidence sufficient to overcome the presumption that the Confederate Government did pay them, we shall have a good many of them.

Mr. GRAFF. Mr. Chairman, the committee did state that Mr. Jackson filed an affidavit with the claimant that he had not received pay for the claim. In addition to that the claimant was not working for the Confederate Government during the period for which the claim is sought to be recovered, but he was working for the Federal Government. The Federal Government states that that amount is credited and is due on the books of the United States to him. There is no evidence in the Confederate records in their possession that he received any pay during that time.

Mr. PAYNE. Where is that affidavit? The gentleman from Nebraska [Mr. BURKETT] says that he did not find any such affidavit.

Mr. CLAUDE KITCHIN. There was some evidence produced that he had not been paid.

Mr. PAYNE. When did the Confederate Government commence to run a post-office department?

Mr. LIVINGSTON. What has that got to do with this bill?

Mr. CLAUDE KITCHIN. It commenced May 1, 1861. That was the first time the Post-Office Department annulled all the Federal contracts in the Confederate States.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was considered, and agreed to.

The CHAIRMAN. The next question is on the amendment offered by the gentleman from Illinois [Mr. GRAFF], which the Clerk will report.

The Clerk read as follows:

In line 4, after the word "pay," insert the words "legal representative of."

The amendment was agreed to.

Mr. GRAFF. Mr. Chairman, I move to amend the title by inserting after the word "for the relief of" the words "the legal representatives of."

The amendment to the title was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE P. WHITE.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 5079, Calendar No. 1731, for the relief of George P. White.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to release Capt. George P. White, Ninth United States Cavalry, from all liability resulting from the loss of \$4,299.76, the unrecovered balance of stolen quartermaster funds for which he was responsible, the said sum now being charged against him on the books of the Treasury Department.

Mr. GRAFF. I now yield to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, this bill is to give relief to Capt. George P. White. Captain White while stationed in the Philippine Islands and as a quartermaster was in charge of certain quartermaster's funds, which were kept in an old Spanish safe captured from the insurgents. It appears that the safe was broken open and that more than \$6,000 in gold was carried away. It appears that the theft was traced to Corporal Robert Richardson, of Company H, and Private R. E. Williams, of Company G, of the Twenty-sixth United States Infantry, who were on detached duty as clerks, who slept in an adjoining room where the safe was kept. These men were arrested, and each confessed his guilt. They were tried by court-martial and found guilty of the theft, and sentenced to imprisonment at hard labor for a term of years.

A board of survey was convened, and after extended hearing of the evidence the board found that no blame was attached to Captain White. A part of the money was subsequently recovered, leaving a balance of \$4,299.76 charged to account of Captain White, and which amount it is asked that he be relieved of, and which can only be relieved by an act of Congress or by a decision of the Court of Claims.

There is and can be no question as to the merits of this claim, and I ask that speedy action be taken and that relief be given as indicated in the bill.

This brief statement can be corroborated by departmental correspondence on file with the Committee on Claims, and which is incorporated in Report No. 2308, made by the chairman of that committee, the honorable, courteous, and obliging gentleman from Illinois, Mr. GRAFF. My statement can also be corroborated by members of this House who have personal knowledge of the case.

Mr. GOLDFOGLE. What is the money to be paid for?

Mr. HAUGEN. It is money that was stolen, and it is to be credited to the account of this claimant.

Mr. GOLDFOGLE. Has the Department recommended the payment of the claim?

Mr. HAUGEN. Yes. Mr. Chairman, I ask that the letter of the War Department in the report be read.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 14, 1902.

I have the honor to inform you that Capt. George P. White, Ninth United States Cavalry, charges himself on his account current for November, 1901 (fiscal year 1902), with \$4,299.76 quartermaster's funds, stolen, as evidenced by a report of board of survey, also forwarded. This board, consisting of Maj. George F. Cooke, Twenty-sixth United States Infantry, president; Maj. H. D. Thomason, surgeon, United States Volunteers; and Capt. J. F. McBlain, Ninth United States Cavalry, recorder, convened by competent order at Nueva Caceres, P. I., on August 11, 1901, to examine into and report on the theft of public funds for which Captain White was responsible.

This examination was comprehensive and thorough, and the report is supported by the necessary certificates and affidavits, which are attached as exhibits.

From the testimony adduced it was shown that Corpl. Robert Richardson, Company H, and Private R. E. Williams, Company G, Twenty-sixth United States Infantry, on detached duty as clerks, and sleeping in an adjoining room to the quartermaster's safe, did, by breaking the padlock thereof by which it was secured, abstract therefrom, in the night, the following moneys: Quartermaster's funds, \$4,295.76; secret-service funds, \$250; captured funds, \$692.50; deposits of employees for safe-keeping, \$835; or a total of \$6,063.26, of which \$5,768.56 were public funds, for which Captain White was responsible, and \$294.70 private funds.

The loss was discovered on the following morning and the men subsequently captured while attempting to escape. They separately confessed to the crime, and \$846, concealed, was recovered, leaving a balance of public moneys of \$4,922.06, which was presumably either squandered or further concealed by the thieves.

The conclusion of the board follows: "The board is of opinion that no blame can attach to Capt. George P. White, Ninth United States Cavalry, for the loss of this money, and recommends that he be relieved from the responsibility of the unrecovered balance, \$4,922.06." The report of the board is approved by Gen. J. F. Wade, department commander. The culprits were subsequently sentenced by court-martial.

November 20, 1901, Captain White addressed this office, stating that the amount of \$4,922.06 should be reduced by \$596.20, the amount of quartermaster's funds comprised in the sum of \$846.20 originally recovered, and by \$26.10 subsequently recovered, leaving as a balance of quartermaster's funds with which he was charging himself until relief was secured \$4,299.76, amount carried on his November account current.

The officer further requested that his communication be forwarded without delay to the Auditor for the War Department, in order that after the examination and statement of responsibility by the accounting officers of the Treasury he might speedily apply to the Court of Claims for the relief contemplated and authorized by section 1059 of the Revised Statutes, edition of 1878, and section 782, digest by McClure in 1901 of the decisions of the Judge-Advocate-General.

The money account for November, 1901, before mentioned, is the last received in this office from Captain White, and as it is learned informally in the office of the Auditor for the War Department that this account is not as yet audited, it is respectfully suggested that this communication and inclosures be referred to the honorable the Secretary of the Treasury, with the request that this matter be referred to the Auditor for the War Department for such action in the premises as is deemed proper, in order that the officer may obtain the relief from Congress as suggested.

Respectfully,

M. I. LUDINGTON,
Quartermaster-General United States Army.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, February 24, 1902.

Respectfully referred to the honorable the Secretary of the Treasury, with request for action in accordance with the wishes of the Quartermaster's Department, as indicated within.

WM. CARY SANGER,
Assistant Secretary of War.

[Second indorsement.]

TREASURY DEPARTMENT,
Washington, D. C., February 26, 1902.

Respectfully referred to the Auditor for the War Department for such action as may be deemed proper in the premises.

H. A. TAYLOR,
Assistant Secretary.

[Third indorsement.]

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,
March 3, 1902.

Respectfully returned to the honorable the Secretary of the Treasury, with the following information: The quartermaster accounts of George P. White, captain, Ninth Cavalry, United States Army, from July 1 to November 30, 1901, are on file in this office. The accounts and accompanying papers show that in August, 1901, Captain White was on duty as quartermaster, at headquarters, third district, Department Southern Luzon, at Nueva Caceres, P. I. In this capacity he had in his possession and was responsible for certain public funds of the quartermaster's department, which he kept in a heavy iron safe in a building used only for administrative purposes. This was an old safe that had been abandoned by the Spanish and had been captured from the insurgents.

The fastenings of the safe had been two iron hasps with padlocks. One of these hasps had been broken for a long time; the other one was locked with a Yale padlock, the key to which Captain White kept in his possession, allowing no one but himself to open the safe. There was a military guard on duty outside the building day and night. Six picked soldiers were detailed as clerks at headquarters and slept in the building, and were considered an additional guard for the funds.

During all of the day and most of the night of August 7, 1901, Captain White was absent from the post on official business at Libmanan. In the afternoon of that day two of the clerks in the quartermaster's department discovered that the padlock on the safe was broken and that all funds had been taken out of the safe.

On his return to the post this fact was reported to Captain White, who at once reported the loss to the commanding officer, and together they proceeded to investigate the matter; whereupon the theft was traced to two

clerks employed in the building. These clerks were found in a near-by town spending money freely. They were arrested, and each confessed his guilt. They were tried by court-martial and each sentenced to imprisonment at hard labor for a term of years. When the loss was discovered a board of survey was at once convened, and, after hearing all the evidence, found that no blame could attach to Capt. G. P. White for the loss of the money.

At the time the lock was broken there was in the safe, in addition to \$835 deposits by individuals for safe-keeping, public funds amounting to \$5,768.28. Of this there was recovered \$1,468.50, leaving Captain White still responsible for \$4,299.78.

This is the amount with which he stands charged on the books of the Treasury and for which he can be relieved only by an act of Congress or decision of the Court of Claims.

The original copy of the proceedings of the board of survey and all the evidence in the case are on file in this office.

F. E. RITTMAN, Auditor.

TREASURY DEPARTMENT,
Washington, D. C., March 5, 1902.

Respectfully returned to the Secretary of War, attention being invited to the indorsement hereon, dated March 3, 1902, from the Auditor of the War Department, relative to the within subject.

O. L. SPAULDING,
Acting Secretary.

[Fifth indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 13, 1902.

Respectfully returned to the honorable the Secretary of War.

The within report from this office, dated February 14, 1902, and the indorsement thereon of the Auditor for the War Department, fully set forth the facts and circumstances of this theft of money, and the quoted decision of the board of survey that no blame can attach to Captain White for the loss of this money, and the recommendation that he be relieved of the responsibility for the unrecovered balance, meets with approval.

Therefore, this office has no objection to and would favorably regard any proposed Congressional legislation which may suggest itself to Senator DOLLIVER as most fitting and likely to secure relief for the officers from the responsibility for these stolen funds.

And it is further considered that such a course would in all probability be productive of speedier results than would follow a reference of this matter to the Court of Claims, as suggested by Captain White himself, and would be more acceptable to the officer on that account.

M. I. LUDINGTON,
Quartermaster-General, United States Army.

Mr. HAUGEN (interrupting the reading). Mr. Chairman, I think enough has been read to show that this claim is—

Mr. PAYNE. Oh, let us have the whole report, or something.

Mr. HAUGEN. I thought sufficient had been read to show the justice of this claim. This is a letter of the War Department, in the report, stating that the money was stolen and that the parties pleaded guilty to the theft, and it was recommended that the amount stolen from Mr. White should be credited to his account and that he in no way be held responsible.

Mr. PAYNE. But the gentleman stopped the reading before the Clerk read the signature of the War Department.

Mr. GRAFF. We will have that read separately if the gentleman wants.

Mr. PAYNE. Oh, I am willing to take the gentleman's statement.

The bill was laid aside to be reported to the House with a favorable recommendation.

EDWARD S. CRILL.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 2422) for the relief of Edward S. Crill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Edward S. Crill, of Florida, the sum of \$175, for rent of building for post-office in Palatka, Fla., for the third and fourth quarters of the year 1886.

Mr. CLAUDE KITCHIN. Mr. Chairman, this bill provides for paying to the claimant the rent of the building used as a post-office in Palatka, Fla., for the last two quarters of 1886. This post-office was made a second-class office to take effect July 1, 1886, entitling claimant to rent at the rate of \$350 per year from July 1, 1886; but, as it seems, no allowance for rent was made until January 1, 1887. The First Assistant Postmaster-General, who looked into the matter, has stated in writing to the committee that this is a just claim and should be paid; that the claimant is entitled to \$175, being, as I have said, the rental for the last two quarters of 1886.

Mr. PAYNE. It appears that the Post-Office Department now holds that this rent should have been paid for the last half of 1886, notwithstanding the postal officers who were on the ground in 1886 decided that the rent should not commence until January 1, 1887. Of course, it is possible sometimes that officials are over-persuaded by the zeal of claimants, and go a little beyond the statements they ought to make.

Mr. DAVIS of Florida. I think I can explain this to the gentleman's satisfaction.

Mr. PAYNE. At the suggestion of my friend from California [Mr. LOUD] I ask to have the report read in my time.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2422) for the relief of Edward S. Crill, beg leave to submit the following report and recommend that said bill do pass without amendment.

This is a bill enacting that—

"The Secretary of the Treasury be, and he is hereby, authorized to pay to Edward S. Crill, of Florida, the sum of \$175 for rent of building for a post-office in Palatka, Fla., for the third and fourth quarters of the year 1886."

Mr. Crill, who is shown to the committee to be a highly reputable and honorable gentleman, makes his affidavit to the truth of his claim, which affidavit is hereto appended. The First Assistant Postmaster-General recommends the payment of the claim, and his letter, which is conclusive, is also hereto appended.

STATE OF FLORIDA, County of Putnam, ss:

Personally appeared before me E. S. Crill, who, being duly sworn, deposes and says: That he was the owner of the building in Palatka, Fla., in the year 1886 in which the post-office was located; that he was informed that an allowance for rent was made at the rate of \$350 per year; that he was to receive for the third and fourth quarters of the year 1886 the sum of \$175; that the post-office was situated in said building during the third and fourth quarters of the year 1886; that he never received any rent for the two said quarters of the year 1886; that he repeatedly wrote the Post-Office Department at Washington, asking that the rent be paid; that to these demands no reply was made; that the amount of \$175 is still due and unpaid.

E. S. CRILL.

Subscribed and sworn to before me this 12th day of February, A. D. 1902.
[SEAL.]

RICHARD F. ADAMS,
Notary Public, State of Florida at Large.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 26, 1902.

SIR: I beg to acknowledge the receipt of your communication dated the 19th instant, referring H. R. 2422 to the Postmaster-General for facts and opinion, and in reply would state that this bill is for the relief of Edward S. Crill, and that he be paid the sum of \$175 for rent of building for post-office in Palatka, Fla., for the third and fourth quarters of the year 1886.

It appears from the records that the post-office at Palatka, Fla., was advanced to the second class, taking effect July 1, 1886, and that no rental was allowed at that office until January 1, 1887, upon which latter date rental in the sum of \$350 per annum was fixed. As the post-office in question was entitled to a rental allowance from the 1st of July, 1886, it would appear therefore that the claim for rental in the sum of \$175 for the third and fourth quarters of that year is a proper one.

Very respectfully,

WM. JOHNSON,
First Assistant Postmaster-General.

HON. JOSEPH V. GRAFF,
House of Representatives.

The CHAIRMAN. The question is, shall the bill be laid aside to be reported favorably to the House?

The question was decided in the affirmative.

FRANK J. BURROWS.

Mr. GRAFF. I call up the bill (S. 1206) for the relief of Frank J. Burrows.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of Frank J. Burrows, late postmaster at Williamsport, State of Pennsylvania, to be credited with the sum of \$4,022, and that he cause the said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of \$3,500 in postage stamps and \$522 in postal funds by robbery of said post-office on the 30th day of August, 1884, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the said sum of \$4,022 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay said claim.

Mr. PAYNE. Has the gentleman from Illinois [Mr. GRAFF] a statement from the Post-Office Department in regard to this case?

Mr. GRAFF. Yes, sir.

Mr. PAYNE. I should like to have that read if it is not very long.

Mr. GRAFF. I read from the report:

A. G. Sharp, chief inspector, Post-Office Department, in a letter to Hon. William T. Price, dated January 13, 1885, in answer to one for information as to the robbery, says:

"A thorough examination was made by an inspector to ascertain if there was any evidence of collusion between the thieves and the employees of the Williamsport office, or any of them, but none could be found. * * * A rigid and searching investigation was made of the accounts of the office, and everything was found to be in good shape, except the losses before stated. The assistant postmaster has the absolute confidence of the postmaster, and, in fact, the confidence of everyone with whom he has come in business contact."

Then again:

J. M. Speese, the inspector of the Post-Office Department who investigated the said robbery within a few days after the same was committed, states, in a letter written by him to a member of this committee: "This robbery was planned by ingenious and bold thieves from New York, and due vigilance could not have prevented its execution." He also states: "I have always found the Williamsport post-office intelligently and carefully managed and the interests of the Department and the public carefully conducted."

The Post-Office Department, in a communication addressed to the Hon. Charles N. Brumm, chairman of the Committee on Claims, under date of January 29, 1896, says, relative to this claim:

I will, however, say that for several years this Department has been allowing claims for loss occurring under circumstances similar to this case, and if the claim was now presented to the Department for the first time, it would be recommended for allowance as coming within the purview of the act of Congress of May 9, 1888. (Sup. to R. S. of 1891, pp. 585-586.)

Very respectfully,

JOHN L. THOMAS,
Assistant Attorney-General, Post-Office Department.

Mr. PAYNE. I wish to say that this explanation is very satisfactory. Here an independent party goes and makes an examination—two of them, I believe—and find the facts; and according to

the facts thus ascertained the United States ought to make payment. I want to commend the gentleman from Illinois for the satisfactory evidence in this one case anyway.

Mr. GRAFF. I appreciate the gentleman's compliment. [Laughter.] I move that the bill be laid aside to be reported favorably to the House.

Mr. LOUD. I wish to ask the gentleman from Illinois something about the facts of this case—as to how the robbery took place. I have an indistinct recollection of this case. I believe it has been up before, has been discussed by the House, and adversely acted upon.

Mr. GRAFF. A similar bill was reported at the first session of the Forty-ninth Congress; again, at the first session of the Fifty-second Congress; again, at the first session of the Fifty-fourth Congress. So far as the facts are concerned, they are set forth in the report. Of course, I was not personally in Williamsport at the time that this robbery took place.

Mr. LOUD. We all understand that.

A MEMBER (to Mr. GRAFF). We acquit you. [Laughter.]

Mr. GRAFF. I never was suspected. [Laughter.] I read again from the report:

That Frank J. Burrows was postmaster at the city of Williamsport, Pa., from 1882 to —; that on the 30th day of August, 1884, the said post-office was robbed of \$0,000 1-cent postage stamps and 150,000 2-cent stamps, aggregating in value \$3,500, and also of \$522 in money.

The said robbery was committed about a quarter to 12 o'clock (noon), when the postmaster, clerks, carriers, and employees of the post-office were at dinner, with the exception of the assistant postmaster, the mailing clerk, and the delivery and stamp clerk. The mailing clerk was busy at his desk. The delivery and stamp clerk was at the general-delivery window, and the assistant postmaster, Mr. Shay, was occupied in the money-order office in the rear part of the office. The stamps and money stolen were in an iron safe belonging to the Department, and furnished for that purpose by the Department. The stamps were in the original packages in which they had been sent to the post-office.

While so engaged as aforesaid a boy came in and told the assistant postmaster that a gentleman in a buggy in front of the door wished to speak to him. Mr. Shay, the assistant postmaster, at once left his work and went to the door. The man in the buggy said he was sorry to have brought him out, but he was lame and could not get out of the buggy. He then said that he wanted to ask him how he would have to proceed to get seeds from the Department, etc. Mr. Shay replied that he was not able to give him the information, but supposed he could get them through the member of Congress from his district. Mr. Shay then returned to his office, not having been gone, as he thinks, more than three or four minutes. That afternoon it was discovered that the stamps mentioned had been taken from the safe and packages similar in size and appearance substituted for them; also that the money mentioned had been stolen. It is supposed that while the man in the buggy engaged the assistant postmaster in conversation a confederate, or confederates, entered by a side door from the alley or through a window and committed the robbery. Diligent effort was made by the postmaster and the inspectors and officials of the Post-Office Department to discover and apprehend the thieves, but without success.

Now, then, if any suspicion under these circumstances (putting the most unfavorable view for the claimant) is to rest upon anybody, it would be the assistant postmaster, an official under the postmaster himself. Yet the postmaster is the one chargeable with these funds, and who must suffer by reason of any negligence or lack of good judgment on the part of the assistant postmaster in walking out to the curb to engage in conversation with the man in the buggy, who was probably a confederate of the man who abstracted the stamps.

I do not see anything wrong whatever in this matter. The bill, as I understand, seeks to credit Mr. Burrows with this amount stolen, which remains charged against him upon the books of the Department.

Mr. LOUD. I would like to ask the gentleman if he assumes due precaution was used on the part of this official when he went out to talk to a man on the street and left his safe open?

Mr. GRAFF. It seems there were other employees in the office.

Mr. LOUD. It was his duty to have charge of the safe and the stamps.

Mr. GRAFF. Yes; that is true. Yet the postmaster employed this man, and I do not think, as a legal proposition, if the United States Government would commence a suit against the postmaster to recover this fund and it was discovered that the fund was stolen through the negligence of the assistant postmaster, that a recovery could be had against the postmaster unless it were shown that the postmaster had appointed some one who bore a bad reputation and had not exercised due diligence in the selection of his employee, if, perchance, the assistant postmaster was appointed under his recommendation.

Mr. LOUD. Mr. Chairman, I would like to offer a suggestion in respect to this bill. I thought I recognized the bill by its earmarks when it first came up. This is not the first time this bill has been before the House of Representatives and has received consideration, my recollection being that at the time it was considered before the bill was acted upon adversely by the House of Representatives. However that may be, it was considered, and it never has become a law. There is something peculiar about the history of this case. If the gentleman would go back into the records when this case was discussed before, he would find a similarity existing between this case and many others throughout the

country. When this bill first came up I was reminded of reports I have frequently seen of officials of the Post-Office Department who were charged with a too free use of intoxicating liquors. If you go into the Department to-day, you will find an official charged with being intoxicated while on duty, in probably four cases out of six, offers this as an excuse: "Severe pains in the stomach. Understanding that blackberry brandy was good for a pain of that character, took one drink; stomach being empty, became intoxicated." Now, there were before Congress at the time this bill was first reported five or six cases almost exactly similar in every particular.

I want to call the attention of the House to the similarity of these cases as they came up, one after another. This is clearly a case of negligence on the part of the postmaster or the assistant postmaster. If the gentleman will hunt back in the records he will find that in another case some member of the postmaster's lodge came and sent a boy in with the report that he wanted to see him out on the street—similar enough to be almost the same story. So many of these cases were before Congress at that time that a suspicion arose, I think, in the minds of the members of Congress that such a story having been originated in one case it was thought well to apply it to similar cases. Now, this House can not say but that the grossest negligence took place. In the first place, if an officer in charge of that amount of Government money in stamps went out on the street and left his safe open for any person to go and abstract its contents, it was the grossest negligence.

Mr. GRAFF. And yet, is it not true, I will ask the gentleman from California, that those things are being done by human beings?

Mr. LOUD. Why, of course; and men should be made to suffer for them.

Mr. GRAFF. Does the gentleman from California think that the postmaster himself should be made to suffer for the negligence of his assistant postmaster?

Mr. LOUD. I want to say that if the gentleman will delve down a little deeper into this case and give us the reports of more inspectors than he has published in his report, he will find a doubt, a reasonable doubt, in the mind of some one who investigated this case as to whether these stamps were not abstracted before this man went out on the street. That will be true in this case as well as in some others. Now, the doubt did arise in the minds of the members of the House whether these stamps were abstracted at that moment or had been taken before. That is all I desire to say.

Mr. GRAFF. I only wish to say that the gentleman from Pennsylvania [Mr. DEEMER] says that the claimant in the case is a man of the highest reputation in the community—a man whose reputation would rebut any insinuation that he would be guilty of theft or crime against the Government. He was an old soldier and a man who bore the reputation of being an honest citizen all through a long residence at his home in Williamsport.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN D. CHADWICK.

Mr. CLAUDE KITCHIN. Mr. Chairman, I call up Calendar No. 1691, being the bill (H. R. 8186) for the relief of John D. Chadwick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John D. Chadwick, of Madison County, Ala., the sum of \$97.04 to pay and discharge in full an account held by him against the Government of the United States for \$97.04, arising from certain transactions in the administration of justice in the Federal courts at Huntsville, Ala.

Mr. CLAUDE KITCHIN. I move to lay the bill aside with a favorable recommendation.

Mr. PAYNE. Let us have some explanation of it. The amount is small, but still we ought to know what it is for.

Mr. CLAUDE KITCHIN. I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Chairman, this claim originates under sections 846 and 850 of the Revised Statutes of the United States, which authorize a United States commissioner to issue certificates to witnesses who attend upon legal processes duly executed upon them to appear before his court. It appears and is the fact that there were thirteen of these witness certificates issued, amounting to \$97.04. The documentary evidence shows, as certified to by the clerk of the United States circuit court for the northern district of the northern division of Alabama, that the formal, regular, and legal issuance of these witness certificates regularly appear upon the rolls of the United States court; that the commissioner regularly issued them in due process of law by reason of his expense account, as allowed under the Statutes of the United States that I have just referred to.

The marshal to whom these certificates were presented for payment was the incoming marshal of the United States. He had just been inducted into office and had no money at that time, and the certificates were not paid and have not been paid since. The documentary evidence is clear that they were regularly issued in the due process of the administration of justice; that they have not been paid; that they appear upon the pay rolls by the certificate of the clerk now in office. The amount is \$97.04; the Government owes the debt fairly. There is no mistake about the fact that the claim is fair, just, and unpaid; this is shown by the records of the court. I hope the bill will pass.

I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

PAYMASTER JAMES E. TOLFREE.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1945, being House bill 14357, for the relief of Paymaster James E. Tolfree, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Tolfree, paymaster, United States Navy, the sum of \$4,000, said sum to be a payment in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PAYNE. Mr. Chairman, I have read the report in this case. I have no questions to ask if there is no other member of the committee who has any curiosity.

Mr. BUTLER of Pennsylvania. I move that the bill be laid aside to be reported to the House with a favorable recommendation. The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, there was a Senate bill covering this same thing exactly, Senate bill 5724, which was referred to the Committee on Claims on January 12, 1903, but has not been reported by the committee. Could I obtain unanimous consent to have Senate bill 5724 substituted for the House bill?

The CHAIRMAN. The Chair is of opinion that if the Senate bill is now pending in the Committee on Claims, it is not within the power of the Committee of the Whole to discharge that committee from the consideration of the bill.

Mr. GRAFF. The House can do it if it desires.

The CHAIRMAN. That can be done in the House.

FRANK J. BURROWS.

Mr. GRAFF. Mr. Chairman, I ask that House bill 2413, for the relief of Frank J. Burrows, which is a bill identical with the Senate bill that just passed the committee, do lie upon the table.

The CHAIRMAN. The gentleman from Illinois moves that the bill (H. R. 2413) for the relief of Frank J. Burrows be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

CONTESTED-ELECTION CASE—KOONCE AGAINST GRADY.

Mr. CLAUDE KITCHIN. I now call up Calendar No. 1813, being the bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of the contestant in the contest entitled "Koonce against Grady."

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank D. Koonce, of the Third Congressional district of the State of North Carolina, the sum of \$1,921.70, as amount of expenses incurred by him as contestant for a seat in the Fifty-third Congress in the contest entitled "Koonce against Grady."

With an amendment striking out "\$1,921.70" and inserting "\$1,000."

Mr. PAYNE. I should like to have some explanation of this bill. It appears that this is to pay the expenses of an election contest in the Fifty-third Congress. That was some time ago. Of course it was the duty of that Congress to provide for it under the statute. I should like to have some explanation of the bill.

Mr. CLAUDE KITCHIN. I yield to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, at the fall elections in 1892 Frank D. Koonce was the Populist candidate, with Republican support, against B. F. Grady, for Representative from the Third Congressional district of North Carolina, which I now represent. Mr. Grady was elected. Mr. Koonce served his notice of contest upon Mr. Grady and proceeded to take testimony in pursuance of that notice of contest. He took a part of the testimony, which was sent up to the Clerk of the House and opened on June 22, 1893. Mr. Koonce was proceeding to collect his testimony in the different counties of the district, specifications having been made in the notice as to four different counties. He had collected part of the testimony on his behalf as contestant.

Every man who has had a contest, and I have been so unfortunate as to have one, knows that the contestant's first move is to collect testimony. While Mr. Koonce was collecting and taking his testimony his house was burned. That was an unfortunate accident, for which Mr. Koonce was, of course, in no way responsible. He thereupon requested the Committee on Elections, which had charge of his case, to give him further time within which to take testimony, in view of the fact that his house had been burned which contained many important and valuable papers and writings connected with the case, together with names of witnesses and testimony which he and his counsel had collected, as stated in the committee's report. If he had done as Mr. Grady, the Democratic contestee did, and had the account of expenses of his contest certified by the Committee on Elections to the Committee on Appropriations it would have been allowed by that Congress—the Fifty-third Congress. He was awaiting, however, the action of the Committee on Elections upon his motion and request for further time, and let the Fifty-third Congress close without filing his expense account.

Now, the gentleman from New York knows that under these circumstances his only relief was to come before the Committee on Claims and ask that committee to allow him the account. This is not an excess, but within the \$2,000 limit allowed by Congress in election contests. There has been no laches in the matter. In the Fifty-fifth Congress a bill was introduced for the relief of Mr. Koonce by Mr. FOWLER, who then represented the Third Congressional district. I introduced a similar bill in the Fifty-sixth Congress, and also in this Congress. Mr. Koonce put in an account for \$1,900, but the committee cut it down to \$1,000, for the reason that they thought the counsel fees were excessive. He filed an itemized account for personal expenses incurred in collecting and taking his testimony, for counsel fees, clerical assistance, etc. The committee reported unanimously in favor of allowing the sum of \$1,000, reducing the claim about one-half, deeming this amount just and equitable. I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. As I understand the gentleman, the Committee on Elections failed to give him additional time?

Mr. THOMAS of North Carolina. Yes; they failed to give him additional time or act upon his motion.

Mr. HULL. Did the contestant get the \$2,000?

Mr. THOMAS of North Carolina. The contestant is the claimant who presented this bill. He did not receive a penny, and did not proceed with the case. The contestee, Mr. Grady, as I am informed, received his allowance.

The CHAIRMAN. The question is on the adoption of the amendment of the committee.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

COL. H. B. FREEMAN.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 754, House bill 6637.

The bill was read, as follows:

A bill (H. R. 6637) for the relief of Col. H. B. Freeman.

Be it enacted, etc., That Col. H. B. Freeman, Twenty-fourth United States Infantry, be, and is hereby, relieved from the obligation to refund the sum of \$1,761.60, paid to him under a decision of the Acting Secretary of War as commutation for quarters while on duty as acting Indian agent, Osage Agency, Pawhuska, Okla., from the 10th day of December, 1893, to the 31st day of December, 1896, both inclusive, which decision was held by the accounting officers of the Treasury to be erroneous, notwithstanding that the monthly claims which were based upon it had been tacitly approved by them and paid, month by month, for upward of three years.

The amendments recommended by the committee were read, as follows:

Amend the bill by striking out the word "held" in the twelfth line and insert in lieu thereof the word "overruled."

Strike out the words "accounting officer" in line 12 and insert the word "Comptroller."

Strike out the words "to be erroneous" in the twelfth and thirteenth lines; also the word "tacitly" in the fourteenth line; and strike out the word "them" in the fourteenth line and insert in lieu thereof the words "the auditing officers."

Mr. GRAFF. I yield to the gentleman from Kansas to give an explanation of the bill.

Mr. MILLER. Mr. Chairman, this bill is for the relief of Col. H. B. Freeman, who asks that he be released from an alleged obligation to pay \$1,761.60, an amount paid him month by month as commutation for quarters under a decision of the Secretary of War that he was entitled thereto. About three years after this decision was overruled by the Comptroller of the Treasury, as set forth in the memorandum indorsements of the War Department which appear in this report. The facts were that Col. Freeman, who has been a soldier in the Army for a period of nearly forty-two years, was stationed at a post in the Indian Territory, and the same commutation was granted to him for quarters that had been granted to his predecessor for many years, and that amount

had been paid to his predecessors and no claim ever made against any of them to recover from them the repayment of the amount.

After he had been stationed there for a period of nearly three years, and had drawn this amount, \$1,761.60, the Comptroller of the Treasury held that he was not entitled to this amount and asked that he refund this sum to the Government of the United States. At that time he was in Cuba, and after his return home he asked the Treasury Department to hold this matter up until he could have an opportunity to present it to Congress. A bill was presented here for his relief and was referred to the War Department. The Judge-Advocate-General reported to the committee that he could see no objection to the bill for the relief asked for. The report was concurred in by the Adjutant-General, Mr. Corbin, and Secretary of War, Mr. Root, and these indorsements are with this case. After Colonel Freeman returned from Cuba he was sent to the Philippine Islands and served there until the close of the war, when he returned to the United States and is now stationed at Fort Leavenworth. This is a most meritorious case. I think that the report of this committee ought to be adopted, and I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN F. LAWSON.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (H. R. 7864) to pay John F. Lawson \$237.96, balance due him for services as United States mail carrier.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster-General be, and is hereby, directed to pay to John F. Lawson, of Hickman County, Tenn., the sum of \$237.96, being the balance owing to him for services rendered as United States mail carrier on route No. 10013, Tennessee, from January 1 to November 23, 1861, and said sum will be paid out of any money in the Treasury not otherwise appropriated.

Mr. PAYNE. Mr. Chairman, I would like to know if this is another one of the mail carriers' bills?

Mr. CLAUDE KITCHIN. This is another one of the mail contractors' claims for a balance found to be due on the books of the Treasury Department. The objections which the gentleman from New York has heretofore made are removed in this claim, because the claimant has made an affidavit, filed and printed with the report, that he never received a copper cent from anyone, and never entered the mail service of the Confederate States.

Mr. PAYNE. Does he account for the money he received belonging to the United States up to the 31st of May?

Mr. CLAUDE KITCHIN. Yes; and that goes to his credit, and then the balance is \$237.96.

Mr. PAYNE. Mr. Chairman, I do not believe this claim ought to be paid. I believe they have already been paid, every one of them, notwithstanding the affidavits of reputable gentlemen after forty-odd years. This is no new claim; it is no new class of claims. It was brought in here as early as the Forty-sixth Congress. The whole matter was thoroughly ventilated and the claims investigated, and the author of them retired, in not an altogether creditable manner, with the claims that he had brought here. Now, I do not feel like taking the time of the House, and yet the House ought to know something about the character of these claims.

Mr. CLAUDE KITCHIN. On what ground were the claims rejected?

Mr. PAYNE. On the ground that they had been paid and that John H. Reagan had taken the receipts from the very men who came in here asking for payment.

Mr. CLAUDE KITCHIN. Did it appear that this man had been paid?

Mr. PAYNE. Yes; a bill was introduced here for all of these claimants.

Mr. CLAUDE KITCHIN. How does the gentleman know that one of them was this man?

Mr. PAYNE. A claim of hundreds of thousands of dollars was brought into this House on the report of the committee that these bills be paid, and it was found that Mr. Reagan, postmaster-general of the Confederate States, had taken the money that belonged to the United States up to May 31, 1861, the money that was paid for postage stamps, the money that came in as revenue to the United States Government, and out of that had paid for carrying the mail, paid the expenses, and if there was anyone left out it was the fault of the man and not the fault of Mr. Reagan, the postmaster-general. Notwithstanding that, in the Forty-fifth Congress these men had the cheek to come in here in a body and ask the Congress of the United States to appropriate money to pay them all. Some of them were named in the resolution and their names appeared before the Congress and they dug out, because the committee then—I do not say that this committee has not used due diligence—used diligence enough to go to the

records and find the receipts of these men in their own handwriting, showing that they were paid for the very claims that they came here and asked to be paid for.

I submit that we ought to go a little slow with these claims before we pay them. Now, I have not the time, and I know I ought not to take the time, to read what was said on that occasion. If I undertook to state the pith of it—it was so long ago—I would not be able to do it without reading the whole account. My friend from Iowa [Mr. HEPBURN] was in Congress at the time, and he has examined somewhat into this subject, and is quite familiar with the facts. I ask him if this matter was not fully investigated at that time, and if the claims were not abandoned under the light that was thrown upon them after investigation by a committee of the House?

Mr. HEPBURN. Mr. Chairman, I think the inquiry embodied in the statement of the gentleman from New York is substantially correct. It was in the Forty-fifth Congress when this matter was thoroughly discussed and completely ventilated. The previous Congress had passed a bill appropriating some \$300,000 for the payment of this class of claims. In a controversy that came up over a bill making additional appropriation it was found that the property of the United States in the hands of the postmasters in the seceded States up to the end of May had been detained by order of the Confederate government.

Mr. CLAUDE KITCHIN. But the Department has given the United States credit for all that was paid at this time, and this is the balance that has not been paid and is still due.

Mr. HEPBURN. I was speaking of this class of claims.

Mr. CLAUDE KITCHIN. And those claimants continued in the mail service of the Confederate States.

Mr. HEPBURN. This related to all of those claims. The whole sum resulting from the postage stamps, of money, and all property in the hands of the postmasters during the early days of the Confederacy up to the 31st of May, was retained in their hands and finally turned over to the Postmaster-General and kept as a separate fund for the purpose of compensating persons then in the postal service under the authority of the United States. All persons were required to file their claims, and claims to the amount of more than \$500,000 were filed and were paid for, as is shown by the report of the Postmaster-General as they were read on the floor of the House, as the gentleman will find by reading the controversy or the debate that took place in 1878, I think it was, on this subject.

I have not the least doubt that all these claims have been paid; and I think it would be very unsafe to take as proof the interested statements of the claimants that they had not received their compensation. The presumption is that they were paid. There was an abundant fund out of which to pay them. There was notice that they should file their claims; an opportunity was given for that purpose; and I have not any doubt that they did so. A large part of these claims, presented in the previous Congress, to which I have referred, were, as I am advised, abandoned, because of the light that was then thrown upon the subject in debate.

Mr. PADGETT. Mr. Chairman, I introduced this bill. I have here a letter of Mr. Henry A. Castle, Auditor of the Treasury Department, in which he states that the records show that this amount is due to Mr. Lawson, and also that he has the Confederate records, which fail to show any payment of the claim. I have also the affidavit of Mr. Lawson, the claimant, that he never was paid for this service by the Confederate Government, and that he did not carry the mails in the Confederate service; that he only carried the mail in the Federal service. He is an honorable gentleman; he is worthy of belief; and I can not see how his sworn testimony can be overthrown by vague presumptions, such as are intimated by the gentleman from Iowa [Mr. HEPBURN]. This is an honest claim, and ought to be paid.

Several MEMBERS. Read the letter.

Mr. PADGETT. I have the letter here, but it is not worth while to take up time in reading it.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative.

AUSTIN A. YATES.

Mr. GRAFF. I call up the bill (H. R. 4178) for the relief of Austin A. Yates.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the accounts of Austin A. Yates, late captain, Fourteenth Veteran Reserve Corps, and to give him credit for the sum of \$13,537.50, charged to him on the books of the Second Auditor's Office, said sum having been stolen from the safe of his office at Syracuse, N. Y., on the night of March 25, 1865, while he was acting provost-marshal of the twenty-third district of New York: *Provided,* That it shall be made to appear to the satisfaction of said accounting officers that Captain Yates was not responsible for the loss of said moneys.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported favorably to the House?

The question was decided in the affirmative.

N. F. PALMER, JR., & CO.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to adjust the claim of N. F. Palmer, jr., & Co., of New York City, doing business under the name of Quintard Iron Works, for loss and damage due to delays alleged to have been caused by the Government in the construction of the machinery of the United States armored cruiser Maine.

The CHAIRMAN. The question is, Shall this bill be laid aside to be favorably reported to the House?

Mr. RHEA. Mr. Chairman, this bill proposes a reference to the Secretary of the Navy for the purpose of ascertaining the damages sustained by the claimants in the construction of the battle ship *Maine* on account of the failure of the Government to comply with the contract. The passage of the bill has been recommended by two Secretaries of the Navy, and also by the Chief of Engineers of the Navy. The bill has been reported favorably by the Committee on Claims.

Mr. PAYNE. Was not this claim presented to the Spanish Claims Commission, and has it not been adjudicated by that Commission?

Mr. RHEA. I understand that the matter has been investigated at the Navy Department, the amount ascertained to which these parties are entitled, and a bill favorably reported to the Senate.

Mr. PAYNE. As I understand, these parties brought their claim before the Spanish Claims Commission, by whom it was adjudicated, and there was a finding that they had no claim against the United States.

Mr. RHEA. I understand that the Secretary of the Navy has reported this matter to the Senate, the amount due under this claim has been ascertained, and bill for payment favorably reported.

Mr. PAYNE. What is the amount of the claim?

Mr. RHEA. About \$60,000. The bill does not make any appropriation, but simply refers the matter to the Secretary of the Navy.

Mr. PAYNE. I understand that large claims in connection with this matter were made before the Spanish Claims Commission. I have been trying to ascertain whether this claim is of the same character as those that were presented to the Commission.

Mr. BABCOCK. I should like to know how this claim arose.

Mr. RHEA. I will read a letter of Secretary Long, under date of April 21, 1902:

NAVY DEPARTMENT,
Washington, April 21, 1902.

SIR: Referring to your letter of the 17th instant inclosing a copy of the bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York, by reimbursement of damages sustained by them in connection with their contract for the machinery for the *Maine*, and requesting an expression of opinion as to merits of the bill, I have the honor to inclose herewith copies of the Department's letter of April 11, 1896, to the Committee on Naval Affairs of the Senate, and of a report dated the 9th of said month by the Bureau of Steam Engineering relative to delays occasioned by the Government to Messrs. Palmer & Co. in the construction of the machinery for the armored cruiser *Maine*.

The suggestion made in the letter above mentioned that, as the company named was hindered in the completion of the machinery for said vessel by delay on the part of the Government in the construction of the hull, the Department be authorized to ascertain the extent of the delay and the resulting damage to the contractors, and to report thereon to Congress as soon as practicable for its consideration, is renewed.

Very respectfully,

JNO. D. LONG, Secretary.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

There is also a letter from Secretary Herbert to the same effect.

Mr. PAYNE. I see that this is a different matter from what I had in my mind.

Mr. RHEA. The effect of the bill is simply to refer the claim to the Secretary of the Navy for the ascertainment of the amount due.

I move that the bill be laid aside to be reported with a favorable recommendation.

The question being taken on the motion of Mr. RHEA,

The CHAIRMAN. The ayes seem to have it.

Mr. BABCOCK. I call for a division.

The question being again taken, there were—ayes 67, noes 1.

Mr. BABCOCK. I make the point that there is no quorum present.

The CHAIRMAN (having counted the Committee of the Whole). There are 150 members present—more than a quorum. The ayes have it, and the bill is laid aside to be favorably reported to the House.

LEBBEUS H. ROGERS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased.

The Clerk read as follows:

Be it enacted, etc., That Lebbeus H. Rogers and the administrators of William B. Moses, deceased, are hereby authorized to pay into the Treasury of

the United States \$12,000, being the principal sum named in the official bond of Henry W. Howgate upon which said William B. Moses, deceased, and said Rogers were sureties, and such payment shall be received in full satisfaction and discharge of all obligations whatsoever of said parties to the United States thereunder, and in full satisfaction and discharge of all judgments entered against said Rogers or said administrators in favor of the United States upon the said bond, and the Secretary of the Treasury is authorized and directed, upon receiving such payment, to satisfy said judgments, and each of them, of record: *Provided, however,* That nothing herein contained shall be construed as affecting in any manner the liability of said Howgate or his legal representatives to the United States on said bond or otherwise.

The following committee amendments were read:

In line 4, page 1, after the word "authorized," insert the words "within thirty days after the passage of this act."

In line 8, page 1, after the word "payment," insert the words "together with court costs in the suits against them."

Mr. PAYNE. Mr. Chairman, I will ask the gentleman from Illinois if this is the same case where the House passed a bill in a former Congress releasing without the payment of any money.

Mr. GRAFF. It is.

Mr. PAYNE. And now this proposes to release upon the payment of \$12,000?

Mr. GRAFF. That is the principal of the bond, without interest, and we have recommended that there be inserted, in addition to that, a time limit, that they shall pay within thirty days after the passage of the act, and shall pay the costs of the court. There is a recommendation from the Attorney-General.

Mr. PAYNE. I want to congratulate the gentleman on the progress his committee is making.

Mr. GRAFF. Well, the gentleman is rendering us assistance right along.

I move that the bill be laid aside as amended with a favorable recommendation.

The CHAIRMAN. The question is on the adoption of the committee amendments.

The amendments were agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The motion was agreed to.

DAVID SMITH.

Mr. GRAFF. Mr. Chairman, the gentleman from Wisconsin [Mr. BABCOCK] has a bill which he would like to call up, and as far as I am personally concerned, I have no objection.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (S. 6034) raising the rank of Chief Engineer David Smith, on the retired list of the Navy.

The Clerk read as follows:

Be it enacted, etc., That Chief Engineer David Smith, United States Navy, retired, who served with credit through both the civil and Spanish-American wars, and who, in the performance of duty, incurred disability from exposure, rendering him an invalid requiring the services of an attendant ever since his detachment, February 7, 1899, be advanced on the retired list from March 3, 1899, to the next higher grade.

Mr. BABCOCK. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. DAYTON], who reported this bill from the Committee on Naval Affairs. He is entirely familiar with the provisions of the bill.

Mr. DAYTON. Mr. Chairman, this is a bill in behalf an engineer officer of the United States Navy, who came up from the ranks—

Mr. LIVINGSTON. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. DAYTON. Yes.

Mr. LIVINGSTON. I shall object if this is going to take up any time in debate.

Mr. DAYTON. I think it will not, and I think when the gentleman understands the circumstances he will not want his objection to stand.

Mr. LIVINGSTON. Let it go; I am satisfied; take a vote.

Mr. DAYTON. Very well, let us have a vote.

Mr. PAYNE. Mr. Chairman, I think we ought to have some explanation, notwithstanding the fact that the gentleman from Georgia is satisfied.

Mr. DAYTON. Mr. Chairman, I would say that the beneficiary is not likely to live more than two weeks. It seems like a simple act of justice.

Mr. BABCOCK. The beneficiary is on his deathbed to-day.

Mr. DAYTON. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

M. L. COBB.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (S. 3748) for the relief of M. L. Cobb.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay M. L. Cobb, administrator of W. W. Cobb, deceased, the sum of \$1,755.49, out of any money in the Treasury not otherwise appropriated, the same being the amount of salary for the unexpired part of the current year in which the said W. W. Cobb, who was consul of the United States at Colon, Colombia, departed this life.

Mr. PAYNE. Mr. Chairman, I would like to hear some explanation of that. I want to say to my friend from Georgia [Mr. LIVINGSTON], who seems to be interested in having this business progress, that if he has any bill which he desires to call up, all he has to do is to raise the point of no quorum and await developments. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I want to say to my friend from New York, who seems to be interested that nothing should be done, especially that from a certain section of this country, that I stand ready to defend anything which I think is right. [Laughter.]

Mr. PAYNE. Mr. Chairman, this is the first intimation I have had that this is a sectional affair. I supposed these bills were from all over the United States. Now, that may account for the zeal of my friend from Georgia, but it does not account for my actions, for it does not make any difference to me.

Mr. LIVINGSTON. I want to suggest that the gentleman has had one through to-day and that is more than I have had, and I have not one behind, either.

Mr. PAYNE. Oh, I have not any bills at all. Mr. Chairman, I hope we will have an explanation of the bill now pending.

Mr. SWANSON. Mr. Chairman, this Mr. Cobb, whom President McKinley appointed as consul to Colon, contracted fever at that point and died. This is to pay the rest of his year's salary. It has been customary in a great many cases where a consul dies—and Secretary Hay cites numerous cases—to pay to his family the rest of his year's salary, just as we do in the case of a Congressman's death. I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

WILLIAM DUGDALE.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1499, being Senate bill 3555, for the relief of William Dugdale.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to give credit to William Dugdale, postmaster at Noroton Heights, Conn., on his money-order account, for the sum of \$2,102.87, being the balance now charged against him on account of certain money orders obtained by fraud in 1894 by one Leroy Harris, who was afterwards arrested for said offense, convicted, and sent to the penitentiary.

Mr. PAYNE. Mr. Chairman, I should like to hear an explanation of this, and I call the attention of my friend from Georgia [Mr. LIVINGSTON] to the fact that this is a Connecticut case.

Mr. HILL. Mr. Chairman, this bill passed the House unanimously in the Fifty-sixth Congress and went to the Senate. The Senate Committee on Post-Office Affairs had no further meetings, and no action was taken. The bill was introduced by Senator Platt in the Senate, and by myself in the House in the present Congress, was reported favorably by the Senate Committee, passed the Senate unanimously, and has come over here. It has been reported unanimously by the Committee on Claims, and also unanimously by the Committee on the Post-Office and Post-Roads, from the subcommittee of which the gentleman from Illinois [Mr. BOUTELL] is chairman.

The robbers in this case have been arrested, part of the money has been secured by the United States Government, both of the men are under sentence of six years, I think, one in Joliet and the other in Auburn, N. Y., and the Post-Office Department have held up the adjudication of the amount until Congress can act. There is no sort of question about the justice of the claim, and I hope we may have a vote.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HENRY P. MONTGOMERY, EXECUTOR.

Mr. CLAUDE KITCHIN. Mr. Chairman, I call up Calendar No. 1410, being the bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Henry P. Montgomery, surviving executor of Granville Garnett, deceased, late of Owen County, State of Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of \$1,280.30, being a refund of the amount paid by said Garnett to the United States, October 7, 1865, in satisfaction of a judgment of the United States circuit court for the district of Kentucky against him as surety on a peace bond of one W. G. Humber, which judgment had theretofore been remitted by the President of the United States.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANHEUSER-BUSCH BREWING ASSOCIATION.

Mr. GRAFF. Mr. Chairman, I call up the bill (Calendar No. 1009, H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$986.32, to be paid to the Anheuser-Busch Brewing Association, of St. Louis, Mo., for refunding part of the tax paid on beer on hand or in transit on June 14, 1898, the date when the war-revenue act went into effect.

The following amendment, recommended by the committee, was read:

Strike out all after the enacting clause and insert:

"That the Commissioner of Internal Revenue be, and is hereby, authorized and directed to reopen and consider all claims of the Anheuser-Busch Brewing Association for the refunding of 7½ per cent discount upon the taxes paid upon fermented liquors in storage or in transit June 14, 1898, any statute of limitation to the contrary notwithstanding, and to allow such portion of said claim as shall be shown to him to have been illegally collected in excess of the amount required by law; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such amounts as shall be certified by the Commissioner of Internal Revenue to have been illegally collected from the Anheuser-Busch Brewing Association as tax on fermented liquors in storage or in transit, June 14, 1898."

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I should like to know how this claim arises?

Mr. GRAFF. The Committee on Claims, to whom was referred the bill in question, submitted the following report:

The Committee on Claims, to whom was referred the bill (H. R. 9063) entitled "A bill to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.," beg leave to submit the following report and recommend that said bill do pass with amendment hereinafter set forth:

Which provides for a direct appropriation of the specific amount.

Your committee after carefully examining bill H. R. 9063 were unanimously in favor of reporting the same favorably. The claimants say in a letter addressed to Hon. RICHARD BARTHOLOMEW, M. C., under date of January 7, 1902, that "regarding our claims for the refunding of 7½ per cent on additional tax on all beer on hand, in the hands of our agencies, or in transit thereto on the morning of June 14, 1898, amounting to \$986.32, they were filed as soon as they could be gotten ready after Attorney-General Griggs rendered his decision or opinion on June 4, 1900. Extensive correspondence had been carried on both with the collector and Commissioner of Internal Revenue on the refunding of the 7½ per cent."

The claimants further say that "the claims of most of the breweries of the United States were paid," and the committee deem it but justice to the claimants who paid in the year just closed into the Treasury of the United States as taxes on beer the enormous sum of \$1,881,818.25, that the Government might waive the brief delay of the claimants in the premises.

The committee therefore wrote a letter to the Commissioner of Internal Revenue advising him that the committee desired to amend bill H. R. 9063 so as to authorize and direct examination and action upon said claim for the refunding of taxes upon the claims now on file of said claimants in the Treasury Department the same as if said claim had been filed by said claimants prior to the limit provided by law, and received the following reply:

Here is what the Commissioner says:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, March 27, 1902.

SIR: Receipt is hereby acknowledged of your letter of the 24th instant, in which you say that the Committee on Claims of the House of Representatives have voted to report the bill (H. R. 9063) entitled "A bill to refund certain taxes paid by the Anheuser-Busch Association, of St. Louis, Mo.," but amended so as to simply authorize and direct either the Commissioner of Internal Revenue or the Secretary of the Treasury, whichever would be proper, to examine and act upon said claim for the refunding of taxes upon the claims now on file of said claimants in the Treasury Department the same as if said claims had been filed by said claimants prior to the limit.

You request that I have drafted a proper form of an amendment to said bill and state that it is desired that the bill shall appropriate such amount, if any, as is allowed upon auditing such claim.

In compliance with your request, I submit the following amendment to the bill:

That is the amendment which has been read and recommended by the committee.

It might be stated, however, that the Commissioner of Internal Revenue is not favorable to the extension of the time, but notwithstanding that fact the committee recommend that the bill do pass, amended as follows:

And then this sets forth the proposed amendment.

The Anheuser-Busch Brewing Association has a number of branches. It conducts business upon a large scale. As I remember it there was some question about the interpretation of the law, and it was submitted to Attorney-General Griggs for him to render an opinion for the direction of the Department. This caused some delay in filing these claims, during the time that was allowed for their filing. As soon as these people heard of the opinion of the Attorney-General they proceeded to collect the statistics and the material upon which to base their claims, from their various agencies. The claim upon which this sum of \$900 is based reached the Commissioner of Internal Revenue only a few days after the expiration of the time limit.

Mr. PAYNE. Of course these gentlemen knew all about the time limit. It was not a new law, as I recollect it. The claim for 7½ per cent must be made within a certain time.

Mr. GRAFF. Yes, and they were entitled to it if they had filed their claim within the time. Of course, the Commissioner had no discretion in the premises.

Mr. PAYNE. I do not see any excuse for their laches, and I was wondering if the committee did.

Mr. GRAFF. Their excuse for delay in the premises was that they did not get their material to the Commissioner of Internal

Revenue in time, on account of waiting for the final opinion of the Attorney-General, which was delayed.

Mr. PAYNE. They had been filing these claims right along for years.

Mr. GRAFF. But the gentleman knows it is true that the opinion of the Attorney-General was not rendered until a large portion of the time during which they could file their claims had elapsed.

Mr. PAYNE. They were put in all the time.

Mr. GRAFF. There is no question but what these people were entitled to that under the law. They do a very large business and they have paid a very large amount of revenue to the Government, and there is no reason why they should not be paid.

Mr. PAYNE. I think you ought to deal out even-handed justice to the little as well as the larger one.

Mr. OTJEN. I would like to ask the gentleman a question if he will yield to me.

Mr. GRAFF. Yes, sir.

Mr. OTJEN. As I understand this bill, it refunds to Annheuser-Busch the redeemed stamps on beer that was in transit.

Mr. PAYNE. No; this is the 7 per cent discount.

Mr. OTJEN. And also in redemption of the stamps?

Mr. GRAFF. No; this only covers 7½ per cent discount.

Mr. OTJEN. Because there are claims from other brewing companies.

The CHAIRMAN. The question is on the committee amendments.

The question was taken, and the amendments were agreed to.

The bill, as amended, was ordered to be laid aside with a favorable recommendation.

GEORGE C. ELLISON.

Mr. CLAUDE KITCHIN. I now call up for consideration Calendar No. 1158, House bill 3385.

The bill was read, as follows:

A bill (H. R. 3385) for the relief of George C. Ellison.

Be it enacted, etc., That the sum of \$5,000 be, and the same is hereby, appropriated for the payment in part on account of fees, costs, and disbursements paid and incurred by George C. Ellison, late chief engineer of the House of Representatives, in two trials in the case of the United States against George C. Ellison.

Mr. GOLDFOGLE. Mr. Chairman, the bill was introduced by the late Amos J. Cummings. It was favorably reported, and similar bills have been reported. I think, in eight preceding Congresses. It seems that while Ellison was in discharge of his duty as chief engineer of the House of Representatives, in 1877, he was savagely attacked by one David Small, a subordinate employee. The result of the encounter was that Small was severely wounded, and as a result of the wound died. Ellison was indicted for murder and was tried. I understand there were two trials upon the indictment.

Ellison was acquitted, and Judge Wylie, before whom the case was tried, wrote a letter which briefly shows that the killing was done in self-defense. Not only was it done in self-defense, but the blow struck by Ellison was in order to prevent Small from imperiling the lives of members of this House. Small had entered the engine room. He had been goaded on by revenge. He had been discharged, and evidently that preyed upon his mind. He was in an intoxicated state, and in that intoxicated state entered the engine room and attacked Ellison. I send to the Clerk's desk the letter of Judge Wylie, which I ask to have read.

The Clerk read as follows:

WASHINGTON, March 22, 1880.

MY DEAR SIR: Your favor dated January 22 last, from the Ebbitt House, was never seen by me till this morning. It came to my house, doubtless, while I was at court and was mislaid.

I do not suppose that you desire that I should make a statement at length of the evidence or even of the facts which were proven on the trial of The United States v. Ellison. I shall therefore merely give at present the conclusion to which my mind was brought by the evidence in that case.

The defendant was tried for the murder of a man named Small. (I believe this was the name of the deceased.) Ellison's character had always been excellent, and at the time of the homicide he filled a place of confidence and trust at the Capitol. Small had previously been an employee there in a place subordinate to that of Ellison, and had been removed. He was a person of violent temper and intemperate habits. He thought Ellison had been instrumental in having him removed, and had made threats against the latter, which had been told to Ellison. One morning he entered Ellison's room at the Capitol and made demonstrations which, taken in connection with the threats, were well calculated to create alarm in Ellison for his personal safety. Ellison sprang up from the sofa where he was lying, seized a billet of wood, and struck Small on the head. Small fell, but soon got up again and went away, no one supposing that the injury was fatal. He was drinking pretty hard for several days afterwards, but went about the city. It turned out that the skull had been fractured, and at the expiration, I think, of about nine days he died.

I thought, from all the evidence, that Mr. Ellison had good reasons for apprehending great bodily danger from the deceased, and that it was a case of justifiable homicide, and of that opinion was the jury.

It is always nearly a misfortune to be obliged to take human life even in self-defense, but in this instance I think Mr. Ellison should be held to have been without reproach.

Truly, yours,

Hon. S. L. MAYHAM.

ANDREW WYLIE.

Mr. GOLDFOGLE. Now, the amount called for by the bill is about half of the amount actually expended, as the committee has found, and is less than that reported in many preceding Congresses. I move that the bill be laid aside with a favorable recommendation.

Mr. BURKETT. I would like to ask the gentleman a question, if he will yield.

Mr. GOLDFOGLE. Certainly.

Mr. BURKETT. Has the Government yet paid for the man who got killed?

Mr. GOLDFOGLE. What do you mean?

Mr. BURKETT. Was there ever any claim put in for that man's life?

Mr. GOLDFOGLE. Why, no. He had been the attacking party.

Mr. BURKETT. And there has never been any claim filed?

Mr. PERKINS. Upon what theory do you consider that the Government should pay this expense?

Mr. GOLDFOGLE. The committee seem to have gone into that question in the report and cite a number of cases. I think the most analogous case I have been able to find of a claim of that kind is that which made an allowance in the case of Kilbourne. That was a case for false imprisonment, you may remember, and the House made an allowance in order to cover the loss and expense of the defense for the alleged false imprisonment.

The bill was ordered to be laid aside with a favorable recommendation.

ELEONORA G. GOLDSBOROUGH.

Mr. GRAFF. Mr. Chairman, I now call up Senate bill 3421, for the relief of Eleonora G. Goldsborough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, instructed to pay to Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, out of any moneys not otherwise appropriated, two years' pay at the rate of the salary he was receiving as surgeon at the time of his death, with allowances for two years.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the period after the word "death" and insert in lieu thereof a comma, and add after such comma the words "with allowances for two years, amounting in all to \$7,200."

Mr. GRAFF. I yield to the gentleman from Maryland.

Mr. SCHIRM. Mr. Chairman, this bill provides for the payment to Eleonora G. Goldsborough, widow of Surg. Charles B. Goldsborough, a surgeon of the Marine-Hospital Service, two years' salary, with allowances, amounting to \$7,200. It appears that in 1888 Surgeon Goldsborough was performing an operation on a colored sailor, through which operation he contracted blood poisoning, which was the primary cause of his death. There is an affidavit here of R. P. M. Ames, late passed assistant surgeon of the Marine-Hospital Service, stating that he had attended Surgeon Goldsborough in November and December, 1889, and until his death on January 5, 1890.

There is a precedent for this claim, which is found in the Statutes at Large, volume 30, page 1460, being an act for the relief of the legal representatives of J. W. Branham, late assistant surgeon of the Marine-Hospital Service. It appears that Assistant Surgeon Branham had been in the service for about five months, and that his legal representatives were given a two years' salary with allowance, while the services of Surgeon Goldsborough extended over twelve years. I move that the bill be laid aside with a favorable recommendation.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. SCHIRM. Certainly.

Mr. LACEY. Does the widow of this surgeon draw a pension?

Mr. SCHIRM. She does not.

Mr. LACEY. Why not?

Mr. SCHIRM. Because pensions are not allowed to surgeons of the Marine-Hospital Service.

Mr. LACEY. She does not have a pensionable status?

Mr. BURKETT. Mr. Chairman, I have looked through this report, and there is this distinction between the case that is reported in this bill and the case that the gentleman refers to, possibly twenty years ago. In that case the physician was in a pesthouse attending a yellow-fever patient. In this case the physician was not in a pesthouse. He was attending to his business as an assistant surgeon in the Army. There is that distinction between them. We did in that particular case, and so far this report shows that that is the only time we have ever paid a case of this sort, and this case is not on an equality with the case referred to in the report.

Mr. SCHIRM. Then the objection which the gentleman from Nebraska makes is this: That Assistant Surgeon Branham came to his death through service in a pesthouse, and Surgeon Goldsborough came to his death through an operation performed in a

hospital upon a colored sailor in the line of his duty. I can not see where the distinction comes in.

Mr. BURKETT. In this case the report shows, as the letter from the wife of the deceased physician shows, that he contracted a cold in Chicago which led to his sickness and depleted his health to a great extent, and that he died as a result of blood poisoning.

Mr. SCHIRM. He died as the result of blood poisoning incurred in the line of his duty while performing an operation upon a sailor in a hospital.

Mr. BURKETT. Yes; but the letter shows—

Mr. SCHIRM. Let us have the letter read. [Cries of "Vote!" "Vote!"]

Mr. BURKETT. Mr. Chairman, I want to say a word on this bill. The bill ought not to pass. I have taken occasion to read the report through, and I think before it passes the House the members of this House ought to know what is in it. There are legitimate claims against the Government, but here is a man that was appointed to a good position and every day of his service he had good appointments. He was placed in good places and he had a high salary, and, as I say, he was given very choice positions all along; he died in the service, and at that time was drawing a salary of \$3,000 a year. Without any precedent except the one where the doctor had been sent into a pesthouse, we are going to establish a new precedent and give the widow of that doctor two years' full pay, or a little over that, together with the fees, which makes it \$7,200. It is a bad precedent, Mr. Chairman, to establish. It is bound to create a good deal of dissatisfaction. The report shows that this woman has a farm worth \$9,000 with some incumbrance on it.

Mr. SCHIRM. Will the gentleman allow me?

Mr. BURKETT. I will make my talk now, and then the gentleman can talk. The farm, she says, is worth \$9,000, and she says there is an incumbrance of \$6,000 upon it. She has some bank stock worth \$1,300. Now, with that much of assets, as shown by the report, they are asking us here to set aside \$7,200 for this woman. Mr. Chairman, I have a bill to-day asking a pension for a poor old soldier that is lying sick on his back, and because that man has a little home in which he lives, worth probably \$2,000, under our rules we can not give that man, who served more than four years in the Army at \$13 a month—you can not give him anything for his support and maintenance, when he is lying flat on his back and sick to-day.

And yet, Mr. Chairman, we are asked to give this woman \$7,200, the widow of this man who drew from two to three thousand dollars a year for eleven or twelve years' service. I say it is not right. It is creating a bad precedent. Of course, it is a thing which she will appreciate, and it is something that the member of Congress who introduced the bill, representing her as a constituent, will appreciate, but it is not the thing for this House to do, and it is a precedent that the House ought not to establish.

If we can pay that woman under these conditions \$7,200 a year, we had better pay some other widows in this country whose husbands served at \$13 a month, and got paid off in money worth 40 cents on the dollar, and who saw harder work and greater anxiety and more vicissitudes than ever fell to the lot of this man. We can give it to those who showed more patriotism in the nation's dire distress in serving their country, and do it with more justice, as it seems to me, than to pass this sort of a bill. It seems to me, before this bill is passed, we ought to have this report read and see the exact conditions, Mr. Chairman, and I call for the reading of this report in my time.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Nebraska.

The Clerk read the report (by Mr. SCHIRM), as follows:

The Committee on Claims, to whom was referred the bill (S. 3421) granting two years' pay of her husband to Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, have given the same careful consideration and respectfully report that the facts are as follows:

To the Congress of the United States:

The memorial of Eleonora G. Goldsborough respectfully represents to your honorable body that she is the widow of Dr. Charles B. Goldsborough, late in the Marine-Hospital Service, and on behalf of herself and the minor children of the said Dr. Charles B. Goldsborough she respectfully prays that you will grant her the relief she asks for in her bill, to be paid to her; and for the purpose of informing your honorable body as to the facts upon which her bill is based she sets forth as follows:

(1) Dr. Charles B. Goldsborough was examined in accordance with law for admission into the service in August, 1877, and on October 3, 1877, was appointed an assistant surgeon in the Marine-Hospital Service.

He was first stationed in New York as assistant; was appointed in charge of the service in Norfolk, Va., and remained there two months; he was placed on special duty in Washington and Baltimore, and was assistant at New York for five months; he was nine months chief clerk in the city of Washington, and was then placed in charge of the service in the city of Baltimore, where he remained for three years, until April, 1882.

In October, 1880, he was promoted to the office of passed assistant surgeon while in charge of the Baltimore service. From Baltimore he was ordered to Mobile, where he remained in charge of the Marine-Hospital Service for three years and six months, until October 20, 1885, when he was ordered to Chicago, where he remained in charge of the service for two years and four months, until February 9, 1888.

While in Chicago he was promoted to the office of full surgeon October 1, 1886. From Chicago he was ordered to New Orleans, where he remained one year and eleven months, and died in the service January 5, 1890, leaving to survive him his widow, your petitioner, and two children, Charles Bloomfield, 9 years, and Irwin, 5 years of age.

(2) The entire estate left by your petitioner's husband amounted to \$2,100, which was in the hands of a firm which has since failed, reducing his estate to nothing. Your petitioner's estate consists of a farm on the eastern shore of Maryland, valued at \$9,000, but subject to a mortgage of \$6,000, making its total net value \$3,000, and shares of bank stock of the value of \$1,300.

The net income from the farm, after paying the interest on the mortgage and all other charges and expenses incident to the same, when the crops are good is about \$50, and the dividends derived from the bank stock amount to about \$120, making the entire income received by your petitioner for the support of herself and her two children \$170, which is liable to be decreased at any moment by the failure of the crops upon which the income from the farm depends.

(3) Your petitioner's husband, while engaged in the service of the Government, devoted himself with untiring energy to his duty, and he was constantly exposed not only to the danger of disease incident to his calling, but to the dangers arising by the constant change of climate, which in the course of his duty while under orders he was obliged to undergo, and his constitution was undoubtedly greatly undermined thereby.

While on duty in the city of Mobile he was desperately ill with malarial fever, and from there he was ordered to Chicago, the extreme cold of which, following upon the warmer temperature of Mobile, brought on a serious attack of rheumatism, from which he had not wholly recovered when he was again ordered to New Orleans. While engaged in the course of his duty he contracted blood poison in the performance of an operation, which also tended to undermine his health, and in April, 1889, he was again attacked by malarial fever, which his already weakened constitution was unable to withstand, and from which, together with the other complications, he eventually died.

(4) Your petitioner further represents that the compensation received by her husband and the frequent removals which in the course of his duty it became necessary for him to make rendered it impossible for him to save up more money than a portion of that which was left and which has been lost through no fault of your petitioner.

(5) Your petitioner has done and is doing all in her power to support herself and her children, and will continue to do so and will use all means in her power by her own exertions to increase the small income which she now receives.

All of which is respectfully submitted.

ELEONORA G. GOLDSBOROUGH.

To the Congress of the United States:

The undersigned respectfully represent to your honorable body that they are personally cognizant of many of the facts stated in the foregoing memorial of Eleonora G. Goldsborough, and those of which they are not cognizant personally they believe to be therein stated truly. They further state that they believe the said Eleonora G. Goldsborough, the widow of Dr. Charles B. Goldsborough, and his two children are in great need of some support, and that the services of the late Dr. Charles B. Goldsborough entitle them to be paid a pension, and they are personally aware that she is using every honorable means to assist in the support of herself and her children.

JAS. SOMERS SMITH.

ANNA M. SMITH.

D. HAYES AGNEW.

W. DUBOIS MILLER.

(Since the date of the above memorial the farm and bank stock mentioned in section 2 have been disposed of at a sacrifice and the proceeds have been entirely expended in the support of the petitioner's family.)

The affidavits of Mrs. Goldsborough and Mrs. Annie E. Haverstick, in the possession of your committee, show that Surgeon Goldsborough contracted blood poisoning while operating on a negro sailor in the United States marine hospital.

In a letter from Surgeon Goldsborough to Dr. John B. Hamilton, the then Surgeon-General of the Marine-Hospital Service, dated at Chicago, Ill., September 25, 1888, he states that he is suffering from carbuncles and is totally unfit for duty, his statement being substantiated by the accompanying certificate of Surg. H. W. Austin, of the Marine-Hospital Service, his attending physician.

That Surgeon Goldsborough suffered from the effects of blood poisoning, contracted as above stated, up to the time of his death is shown by the affidavit of Mrs. Goldsborough, and her statement is corroborated in part by the affidavit of Mrs. Haverstick, above referred to; and that his death was due primarily to the blood poisoning is proved by the affidavit of his attending physician at the time of his death, Dr. R. P. Ames, which is here set forth in full:

SPRINGFIELD, MASS., March 7, 1902.

I hereby certify that I attended Surg. Charles B. Goldsborough in the marine hospital, New Orleans, in November and December, 1889, and until his death, January 5, 1890. His death was due primarily to "blood poisoning," as manifested by the formation of abscesses and carbuncles.

While not personally cognizant of the fact, as I was not stationed in New Orleans at the time, I have frequently heard that Surgeon Goldsborough had been poisoned while operating upon a negro sailor in the summer of 1888.

Very respectfully,

R. P. M. AMES.

Late Passed Assistant Surgeon, M. H. S.

Subscribed and sworn to this 7th day of March, 1902, before me.

FRANK E. CARPENTER.

Notary Public.

There can be no reasonable doubt that Surgeon Goldsborough's death was directly due to the effects of the operation in August, 1888.

It may be stated that a precedent for the bill now under consideration has been made by the act approved June 15, 1898, which granted the legal representatives of Asst. Surg. John W. Branham, of the Marine-Hospital Service, the amount of his salary and allowances for two years, Dr. Branham having died of yellow fever, after serving about five months. Surgeon Goldsborough gave faithful service for twelve years.

The Branham case was an exceptional one. This case comes in the same class and is considered equally exceptional.

Your committee are of the opinion that Dr. Goldsborough died of an infectious disease acquired in the performance of his duty, and the bill is therefore returned with the recommendation that it pass when amended as follows:

In line 8 strike out the period after the word "death" and insert in lieu thereof a comma, and add after such comma the words "with allowances for two years, amounting in all to \$7,200."

Mr. PEARRE. Mr. Chairman, I feel as if I ought to say a word in behalf of this bill.

[Cries of "Vote!" "Vote!"]

Mr. PEARRE. It seems, Mr. Chairman, that my remarks are not necessary and I ask for a vote.

The amendment of the committee was considered and agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The question was then taken; and on a division (demanded by Mr. BURKETT) there were—60 ayes and 29 noes.

So the bill was laid aside to be reported to the House with a favorable recommendation.

H. GLAFCKE.

Mr. GRAFF. I call up the bill (S. 3401) for the relief of H. Glafcke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to H. Glafcke the sum of \$110.39, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of Colorado for the fiscal year ended June 30, 1900.

Mr. PAYNE. I hope that some explanation will be made of this bill.

Mr. GRAFF. This bill was introduced in the Senate by Senator Warren. It involves \$110.39. It is to pay an amount due for traveling expenses of a deputy internal-revenue officer. It is recommended by Robert Williams, jr., Acting Commissioner of Internal Revenue, in a letter of March 2, 1902. Does the gentleman want any further explanation?

Mr. MONDELL. Let me state that the only necessity for this bill arose from the fact that this claim in the first instance, although presented in proper time, was not stated in the proper form, and before it was restated the time within which it could be regularly paid had elapsed.

Mr. GRAFF. I move that the bill be laid aside to be reported with a favorable recommendation.

Mr. CRUMPACKER. Mr. Chairman, I understand that the amount allowed as expenses to a deputy internal-revenue officer is fixed by the collector of the district; that the annual allowance is divided into 12 monthly installments, and that the deputy can not, during any month, go beyond the allotment for that month. If the House is to adopt the precedent of paying expenses incurred by these officers beyond the amount allowed by the collector of the district, I shall be glad to know the fact, because a traveling deputy in the division in which I reside told me that last year he paid over \$200 out of his own pocket, for expenses of this kind, above the allowance fixed by the collector of internal revenue for that district; so that if this bill should go through I will advise him when I return home to present his bill for reimbursement to the Committee on Claims, with the expectation that the claim will be paid. These expenses were incurred by him in the discharge of official duty on behalf of the Government, and I suppose the same rule would apply in his case as in this.

Mr. GRAFF. We will consider the case if it be presented to us, and will report favorably if the facts appear to warrant it.

Mr. CRUMPACKER. I want to call attention to that case now, in order that I may take advantage of the precedent here being set when I present the matter hereafter to the Committee on Claims.

Mr. PAYNE (to Mr. CRUMPACKER). Why not introduce your bill now, refer it to the Committee on Claims, have it reported at once, and put right through here?

Mr. GRAFF. We will give full time to the consideration of the matter in the committee.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

The question was decided in the affirmative.

M'CLURE & WILLBANKS.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 11340) for the relief of McClure & Willbanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to McClure & Willbanks, livery-stable keepers at Toccoa, Ga., \$100, the value of a horse hired to internal-revenue officers and killed by illicit distillers in August, 1900.

Mr. CLAUDE KITCHIN. I move that the bill be laid aside to be favorably reported to the House.

Mr. PAYNE. Mr. Chairman, if I correctly caught the reading of this bill, there is enough on the very face of it to condemn it, even in this House and on this occasion. I do not see any more reason why the Government should pay for this horse than for any old horse that I might own.

Mr. CLAUDE KITCHIN. There was an officer—

Mr. PAYNE. As I understand, an officer of the Government had hired a horse from a livery stable, and while the man was

engaged in taking possession of an illicit distillery the horse was killed. A terribly strong claim against the Government!

Mr. CLAUDE KITCHIN. While the officer was in the discharge of his duty in breaking up this illicit distillery the moonshiners killed the horse.

Mr. PAYNE. Was the horse in the line of duty? [Laughter.]

Mr. CLAUDE KITCHIN. He was; and I will say to the gentleman from New York that the Commissioner of Internal Revenue, Colonel Yerkes, thinks this a just claim and one which ought to be paid, and recommends payment.

Mr. PAYNE. I do not care what the Commissioner of Internal Revenue or anybody else states about this question. It seems to me that no man who will reflect on the matter for a moment will think this a just claim. On the contrary, it is a perfectly outrageous claim for any man to present. Much less is it a proper claim for a committee of this House to bring in here or to be passed by even this Committee of the Whole. An officer of the Government hires a horse, drives it across country, somebody shoots the horse, and now we are asked to pay for it! Can any man imagine a more ridiculous claim against the Treasury of the United States?

Mr. TATE. Will the gentleman allow me a word?

Mr. PAYNE. Oh, yes; with pleasure.

Mr. TATE. The gentleman does not state correctly the facts of this case. This officer destroyed two illicit distilleries and seized a lot of whisky, which he took possession of for the Government. While this illicit whisky was being removed the livery-stable keepers' horse was shot in order to prevent the removal of the whisky by the officers of the Government. It does seem to me that the Government should pay this claim. It is the only way in which the owners can get pay for their horse.

Mr. KITCHIN moved that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 79, noes 10.

So the motion was agreed to.

C. W. COLEHOUR.

Mr. GRAFF. Mr. Chairman, I next call up the bill (H. R. 7361) for the relief of C. W. Colehour.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. W. Colehour, his legal representatives or assigns, out of any money in the Treasury not otherwise appropriated, the sum of \$3,657.77 for sheltering and subsisting Eighth Regiment Illinois Volunteer Infantry, war with Spain.

The following committee amendments were read:

In lines 6 and 7 strike out the words "three thousand six hundred and fifty-seven dollars and seventy-seven cents," and insert in lieu thereof the words "one thousand and twenty dollars."

Mr. PAYNE. Mr. Chairman, I hope we shall have some explanation of why this original claim was not paid in full, why the committee cut it down.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Illinois, Mr. BOUTELL.

Mr. BOUTELL. I trust I shall be able to give the gentleman from New York full information on the subject.

Mr. PAYNE. I see that it is cut down two-thirds. I do not understand it.

Mr. BOUTELL. If the gentleman will move to put it back to the original amount, I will agree to vote for his amendment.

The favorable report in this case, Mr. Chairman, is based upon the statement of facts and the recommendations of the officials of the War Department, to whom this measure was referred. Their communications are contained in full in this report. The facts in brief are these: In February, 1899, Captain Wainwright, who was then stationed in Chicago, in charge of the mustering out of troops, advertised for bids for the subsistence and sheltering during mustering out of the Eighth Illinois Volunteer Infantry, lately returned from service in the war with Spain. The statement in the advertisement calls for sheltering and subsisting the troops from about March 1 to March 15.

The bid made by Mr. Colehour was accepted by Captain Wainwright, who telegraphed his decision to the War Department. The War Department urged him to have the work progress at once, and the building prepared for occupancy by March 1. Mr. Colehour rented a building known as Tattersalls, the only covered structure in the city which would contain the necessary number of men. On the very day that the United States Government agreed to have the troops there for mustering out, namely, on the 1st of March, 1899, Captain Wainwright informed the contractor that the transport had been delayed and that the troops would not arrive there until about the 15th of March, the day on which the contract under the specification was to expire.

As a matter of fact, the troops arrived on the 18th of March.

The mustering out consumed from March 18 to April 3, inclusive. The contractor was paid, under the advertisement, the sum of \$4,732.80, and made his claim at once for the rental and other expenses connected with preparing the building for subsisting the troops during the period mentioned in the correspondence and contract. This claim was disallowed. The letter of Captain Wainwright sets forth the circumstances in the case, and the original claim of \$3,700 covered not only the rental during the period from March 1 to March 18, but also covered the expenses which the contractor had been put to in providing the subsistence and the employees for feeding and caring for about 1,200 men. On referring the bill to the Quartermaster-General, General Ludington says:

It would seem that an allowance of \$60 per day for seventeen days, or a total of \$1,020, for this period from March 1 to March 17, inclusive, would reimburse the contractor for all expenses incurred so far as the Quartermaster's Department is concerned.

He therefore refused to recommend the payment of about \$2,700 claimed by the contractor to have been incurred in other expenses in preparing the building and making preparations for sheltering and subsisting the troops. Under these circumstances the committee have recommended unanimously the passage of the bill with the amount fixed by the Quartermaster-General.

I move that the bill be laid aside with a favorable recommendation, as amended.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The amendments were agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The motion was agreed to.

WILLIAM J. SMITH AND D. M. WISDOM.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (S. 111) for the relief of William J. Smith and D. M. Wisdom. The Clerk read as follows:

Be it enacted, etc., That William J. Smith and D. M. Wisdom be, and they are hereby, released from all liability incident to the forfeiture and judgment upon a certain bond in the penal sum of \$3,000 with said William J. Smith and D. M. Wisdom as sureties, conditioned that R. M. Thompson appear at the term of the United States circuit court for the western district of Tennessee, begun on the fourth Monday in October, 1883.

Sec. 2. That all the right, title, and interest which the United States acquired from said William J. Smith by deed from the marshal of the United States for the western district of Tennessee of date February 20, 1883, in and to the following-described real estate: All the interest of William J. Smith in lot No. 1, in block No. 17, of Butler's addition to the city of Memphis, beginning on the corner of Echols and Elliott streets and running in a northerly direction along the west line of said Echols street 93½ feet; thence east to the west line of an alley, 35½ feet; thence south along the west line of said alley to the north line of Calhoun street, 196 feet; thence west along the north line of said Calhoun street to the west line of said Elliott street, 183 feet, and thence in a northwesterly direction along the north line of said Elliott street to the beginning, 206½ feet, be, and the same is hereby, divested from the United States, and all the said right, title, and interest be, and the same is hereby, vested in the said William J. Smith.

Mr. PATTERSON of Tennessee. Mr. Chairman, I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, of course from all that appears now every member of the Committee of the Whole would vote against this bill, because it appears that the Government has obtained a judgment on a bond and has seized some property and got title to it. Of course every man in the House would vote against it on that statement, on the bill itself. I think the gentleman ought to give some reason why the Government should give up this property.

Mr. PATTERSON of Tennessee. Mr. Chairman, this bill is for the relief of William J. Smith and D. M. Wisdom on a bail bond.

The facts are that one Robert M. Thompson was indicted in Memphis for a violation of the postal laws and was convicted. After his conviction Smith and Wisdom entered into a bond of \$3,000 for his appearance. That bond originally was a void bond. Thompson absconded, and Smith employed detectives and went to considerable expense to locate him. He was arrested and brought through the District of Columbia, and here in Washington a habeas corpus proceeding was had, and Thompson was discharged upon the ground that the bond was void. Smith then caused Thompson to be arrested again and he was again discharged.

Now, the committee have certified copies of the record from the district court showing these facts, and Smith did all that he could to get Thompson back to answer to this judgment of the court. In the meantime Smith was the only solvent person on this bond. He is a man about 76 years of age, and this was practically all the property he had. His property was levied upon and struck off to the Government for \$3,209.86, being the amount of the bond and the costs. Now, I am in possession of a letter from H. M. Hoyt, Acting Attorney-General, in which he says:

This case seems to be one demanding relief, but I think it is one that should be relieved by act of Congress.

This bill passed the House ten years ago and once passed the

Senate. How it has never become a law I can not explain, but it has passed this House, I think, on two occasions.

Mr. PERKINS. What has become of this property that was levied on?

Mr. PATTERSON of Tennessee. It was struck off to the United States.

Mr. BURKETT. Why should this bondsman be relieved? That is the point of the whole matter.

Mr. PATTERSON of Tennessee. I have been trying to explain that. The bondsman should be relieved simply because the bond has been declared by the courts here to be void. This bondsman went to the expense of rearresting this man, who was discharged in the courts of the District of Columbia upon the ground that the bond was void.

Mr. DALZELL. On what ground was it held void?

Mr. BURKETT. How did the man come to be discharged?

Mr. PATTERSON of Tennessee. On the ground that the bond was given after the judgment of the court. The man was found guilty, and it was a curious bond for the court to take in the first place.

Mr. HOLLIDAY. I should like to inquire of the gentleman how the Government managed to get a judgment on a void bond?

Mr. PATTERSON of Tennessee. I can not explain that.

Mr. PAYNE. Did the Government get judgment on the bond before he had arrested the man?

Mr. PATTERSON of Tennessee. No; I think he went to work immediately—that is my present recollection about the case—to obtain his arrest.

Mr. PAYNE. Why did he not plead that the bond was void?

Mr. PATTERSON of Tennessee. I can not give you an explanation of that. Anyhow, the judgment stands against him; and those are the facts.

Mr. PAYNE. But he did arrest the man and tried to surrender him to the Government?

Mr. PATTERSON of Tennessee. Yes; and spent large sums of money in the endeavor to do so.

Mr. PAYNE. And the man was finally released by the court on the ground that the bond was void?

Mr. PATTERSON of Tennessee. Yes.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH W. PARISH.

Mr. GRAFF. Mr. Chairman, I call up Calendar No. 1581, being Senate bill 475, to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to make full and complete examination into the claim of Joseph W. Parish against the United States for balance alleged to be due him by virtue of a contract made by J. W. Parish & Co. with Henry Johnson, a medical storekeeper, acting on behalf of the United States, which contract bears date March 5, 1863, and provides that said J. W. Parish & Co. should furnish to the United States for the use of the Medical Department of the Army the whole amount of ice required to be consumed at Memphis and Nashville, Tenn.; St. Louis, Mo., and Cairo, Ill., during the remainder of the said year 1863; that the Secretary shall determine and ascertain the full amount which should have been paid said J. W. Parish & Co. if the said contract had been carried out in full, without change or default made by either of the parties thereto, under the rule of the measure of damages laid down by the Supreme Court of the United States in the case of The United States against Behan (110 U. S. Reports, p. 338), and in accordance with the evidence in the case collected by the United States Court of Claims, and after determining the full amount thus due said J. W. Parish & Co., under the said contract and rule of law aforesaid, to deduct therefrom all payments which have been made to said J. W. Parish & Co., or to said Joseph W. Parish, whether in pursuance of judgments of the court or direct appropriation by Congress, or otherwise, stating what balance, if any, is due under the rule and evidence prescribed herein, and pay the said balance to said Joseph W. Parish, the present owner of said claim; and sufficient money to pay such balance is hereby appropriated out of any money in the Treasury which has not been otherwise appropriated.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. I trust the gentleman will give the committee a little light on the subject of this bill, or I will ask to have the report read.

Mr. GRAFF. The facts in this case are that Joseph W. Parish and a man by the name of Huse, under the firm name of J. W. Parish & Co., in 1863 entered into a written contract with the Government to deliver ice, as was required by the Government in that year. That year—the winter of 1863 and 1864—there was no ice which could be procured south of Chicago. It had to be procured in Canada and from the St. Lawrence River. After the contract was made Huse withdrew from the contract, and Parish was the only one who was interested in the contract, and he became responsible for the terms of it.

The assistant surgeon at St. Louis issued an order under the terms of the contract for 30,000 tons of ice, to be delivered at four different places within twenty days—at Memphis, Tenn.; Nashville, Tenn.; St. Louis, Mo., and Cairo, Ill.—specifying the amount

of the 30,000 tons to be delivered at each of the four places. After the order was given by the assistant surgeon of the Army stationed at St. Louis to deliver this 30,000 tons of ice, Mr. Parish, the claimant, immediately went North to purchase the ice. He purchased 30,000 tons of ice and notified the Government that he had it and was ready to deliver.

As a matter of fact, the Government, only took 12,000 and some odd tons, leaving 18,000 uncalled for; and issued an order suspending the previous order for the 30,000 tons of ice. The 12,000 tons were delivered, and there is no question about that, at the contract price. The price of ice per ton was fixed in the contract. The ice, however, remained at the different places that he had stationed it after the purchase. Ice, you know, is a perishable commodity. He could have sold the ice as high as \$50 a ton during that summer. He held the ice for the purpose of filling his contract with the Government. He had the ice within the time required, within the twenty days, and there is no question about that.

All these facts were shown when he came to prosecute his claim before the Court of Claims. The Court of Claims, however, decided that he had no right to recover upon his contract, because, as they alleged, the assistant surgeon had no legal authority to bind the United States by ordering the 30,000 tons of ice. But, however, the Court of Claims made their findings of fact covering the whole scope of the case. Their decision against him rested upon the theory that the assistant surgeon who ordered the ice had no legal authority to bind the Government. The case, therefore, went to the Supreme Court of the United States. The Supreme Court of the United States reversed the decision of the Court of Claims, and decided that the assistant surgeon, who had ordered the 30,000 tons of ice, was able, from a legal standpoint, to bind the Government, and in fact he did bind the Government; and hence there remained nothing for the Supreme Court to do but find out on what terms his damages should be based, and how much they were.

The Supreme Court in their decision said that the difficulty about the case was that Mr. Parish was "not ready and willing," in the language of the old pleadings, to deliver the ice. They said that in the face of the fact that there was a finding in the Court of Claims below, in the following language, taken from the Twelfth Court of Claims Report, 609 to 617:

IX. The said Parish was prepared and willing to deliver the said 30,000 tons of ice, in conformity with the conditions and obligations of his said contract and the terms of said letter of March 25, 1863—

That is the letter of the assistant surgeon ordering the ice—of which the defendant had notice, but they would not nor did receive more than the 12,732 tons aforesaid.

So that the finding of the Supreme Court was in direct contradiction of the findings of fact in the court below, and they therefore allowed him—

Mr. PERKINS. May I ask the gentleman which he thinks the higher of the decisions—the Supreme Court or the Court of Claims?

Mr. GRAFF. If the gentleman will allow me to finish my argument, the Supreme Court, under its rule and practice, does not go behind, and says it will not go behind, the evidence for the purpose of weighing the evidence upon which any finding of fact is based by the Court of Claims. The court accepts the findings of fact of the Court of Claims in all cases as conclusive to them.

The Supreme Court therefore overlooked in the case the finding of fact which said that Mr. Parish was ready and willing to deliver the ice and that the Government had not and did not take any of it except the 12,000 tons to which I have alluded; and, basing their conclusion upon the fact that no such finding did exist in the findings of the Court of Claims, they took it as a measure of damages and allowed him only the cost of the ice, and he received that amount, which amounted to \$64,000. This was away back in 1879, a period of fifteen or sixteen years after the war was closed.

The report is full of testimony showing that Mr. Parish was a man of patriotic character in the conflict; showing that he did what not many were willing at this time, in 1863, to do, to assume the obligation of delivering ice and supplies of that kind in those times of uncertainty to the Government. This ice thereafter melted upon his hands, and he received only the absolute amount which he paid. This probably is the only claimant who is interested in any case upon this Calendar whom I personally know. He has now reached the age of 76 years; he is a poor man; he was a man well to do in the times of 1863. He put all the money he possessed, his entire fortune, into the purchase of that ice, which was allowed to melt on the shores of the Mississippi and the Missouri rivers, and the Government has compelled him to wait all these years even for the purpose of returning the actual dollars which he had invested in this contract under the Government.

You are in the position of the Irishman when he said that the

horse was 18 feet high and it was questioned. The horse was brought in, and it was insisted that there was the horse and he was only 18 hands high. The Irishman said, "Did I say 18 feet high?" "Yes." He looked at the horse and he said, "I stick to it." [Laughter.] Now, then, if that is the proposition, that a citizen of the United States has no relief before this Congress, after having invested all his funds and money and waited for a period of twenty years to receive the amount he risked and put into the contract, I say that Congress can not be any too ready to pay this man the correct measure of damages which was allowed.

Now, in 110 Supreme Court Decisions of the United States, eleven volumes after the volume in which was contained the Parish case, the Supreme Court laid down the proper measure of damages, and they say that where the question of profit is one that can not be easily ascertained, where it is speculative, then there can be some question about allowing the party who is injured by a breach of contract to receive the profit in addition to the amount he invested. But where the price of the ice is fixed in the contract itself, by the United States Government, where this man had invested his money in this perishable property when he went up into Canada and along the St. Lawrence River at three points and purchased ice for the use of the Army and in the hospital, at a particular time when the Government was fully warranted in believing that they would need all this vast quantity of ice along these three or four towns on the Mississippi River, around which clustered so many of the activities of the war, I say this is a case which is absolutely correct.

Now, what does this bill seek to do? The bill does not seek to have this Congress figure up the amount that is due this claimant, but the bill is drawn referring this claim to the Treasury Department and asking them to award this man the amount that is due him, not under any arbitrary direction, but under a decision of the Supreme Court of the United States in the Beham, case in the one hundred and tenth volume, to which I have alluded.

[Cries of "Vote!" "Vote!"]

Mr. PERKINS. Mr. Chairman, we have a perfect right to have this claim explained, and if it takes five minutes it is a good deal shorter than compelling those who want information to resort to dilatory proceedings.

Mr. GRAFF. I am perfectly willing to answer the gentleman's question.

Mr. PERKINS. I know the gentleman is. I think we have a right to ask the question, because this claim amounts to \$80,000. What was the price set in the contract with the Government?

Mr. GRAFF. The price stated was different at different places. Of course, it would be so, because it was more costly to deliver the ice at one point on the river than it would be on the other; but I will say to the gentleman that my information is that the average price of the ice along the river delivered at that time cost \$18 a ton.

Mr. PERKINS. What did the Government agree to pay?

Mr. GRAFF. The contract price.

Mr. PERKINS. What was the price stated in the contract?

Mr. GRAFF. That was the price agreed upon.

Mr. PERKINS. I would like to ask my friend another question. As I understand his statement, it is that the Supreme Court of the United States, a tribunal of some learning, fell into manifest error as to the facts found by the Court of Claims?

Mr. GRAFF. Yes, it is manifest; there can be no question about that.

Mr. PERKINS. Why was it that the counsel did not move for a reargument? He must have been a most extraordinary counsel.

Mr. GRAFF. I am glad the gentleman has asked that question. Mr. Parish had as counsel a man by the name of Merriam. Parish himself was not a lawyer, and he would not have any knowledge of what was the proper measure of damages, as we can all understand. Mr. Merriam was a man somewhat advanced in years, and he went off into the New England States at the time this case was decided, and soon after died. Mr. Parish did not know what his rights were until it was too late for him to take advantage of a motion for a new hearing.

Mr. PERKINS. He must have had very extraordinary counsel.

Mr. PAYNE. Mr. Chairman, I am a little inquisitive myself about this case, and I would like to ask the gentleman a question or two.

Mr. GRAFF. I am willing to answer any questions.

Mr. PAYNE. I understood the gentleman to say that the court allowed the claimant \$64,000?

Mr. GRAFF. No, that is not quite true; the court did not fix any amount, but it sent it back to the Court of Claims for construction.

Mr. PAYNE. How much did the Court of Claims allow?

Mr. GRAFF. Mr. Parish received two allowances; he received one, \$10,000, at first in the Court of Claims.

Mr. PAYNE. For the 18,000 tons?

Mr. GRAFF. He only received a very small amount, only \$10,000. The reason was this: When he tried the case before the Court of Claims he tried it upon the theory that he was entitled to the contract price, and there was no evidence, or very slight evidence, if indeed any—it was merely accidental—bearing upon the question, because it was not anticipated that that was a contested point in the case. If he was entitled to the contract price, the question what he had paid for the ice, which he had gathered in various parts and from various sources, had nothing to do with the subject of the trial, basing his claim as he did upon the contract price.

Mr. PAYNE. How much did he receive in all?

Mr. GRAFF. He received altogether \$64,000.

Mr. PAYNE. How much for the 12,000 tons?

Mr. GRAFF. He was paid for that the contract price; there is no question about that.

Mr. PAYNE. Then he received \$216,000 for 12,000 tons. How much for the 18,000 tons?

Mr. GRAFF. I can not tell about that. I can only say that he received the cost price of the ice.

Mr. PAYNE. Then he received about \$3.50 a ton for those 18,000 tons?

Mr. GRAFF. Yes.

Mr. PAYNE. Then he received \$272,000 for the 30,000 tons, which cost him about \$100,000.

Mr. GRAFF. Oh, no; I am informed—and I have taken some trouble to look into the case—I am informed that the amount to which he will be entitled will be about \$80,000.

Mr. PAYNE. But he received \$216,000—

Mr. GRAFF. Whatever he received will be deducted.

Mr. PAYNE. Oh, no; for the 12,000 tons I understand he was paid the contract price—\$18 a ton.

Mr. GRAFF. I suppose that is so.

Mr. PAYNE. That would be \$216,000.

Mr. GRAFF. As I said, the price of the ice varied at different points.

Mr. PAYNE. But he received \$212,000 for the 12,000 tons; and he received in addition \$64,000, making an aggregate of about \$280,000. The 30,000 tons cost him \$105,000. So that he is doing pretty well. He did not fail or lose his property on account of this contract. While he was patriotic, he was patriotic "with a string to it."

Mr. GRAFF. I think there is some question, perhaps, about his having received the contract price for that first lot of ice, until he tried his case.

Mr. PAYNE. I understood the gentleman to say that he did receive it.

Mr. GRAFF. I suppose he did, but I am not certain about it.

Mr. PAYNE. There is no claim here for that.

Mr. GRAFF. Oh, no.

Mr. PAYNE. There certainly would have been if he had not received it.

Mr. GRAFF. I do not see what bearing that has on the case.

Mr. PAYNE. No; I suppose the gentleman can not see it.

Mr. GRAFF. We are simply asking that this man be paid what the Government promised to pay him, he having rendered all the service and done everything that he was required to do by the terms of the contract. He was in default in no respect.

Mr. PAYNE. Of course, the gentleman says that. But I suppose the Supreme Court of the United States would have the right to say that he had not tendered that ice, if on an examination of the evidence it found there was no testimony to show it. In point of fact, the case does not show it.

Mr. GRAFF. But the court does not do that.

Mr. PAYNE. I do not know whether it does or not. There is no evidence of that fact. They would have the right so to decide, and probably would so decide under the circumstances. Probably the attorney on the part of the Government would present that fact. But even if there were no evidence showing that this ice had not been tendered, I presume if the gentleman had gone a little further he might have found that fact.

Mr. GRAFF. I think I have gone through the case pretty thoroughly.

The question being taken, Shall the bill be laid aside to be reported favorably to the House?

It was decided in the affirmative.

WILLIAM M. BIRD AND OTHERS.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to examine into the circumstances of the performance and execution by William M. Bird, James F. Redding, Henry F. Welch, and others, as sureties of D. A. J. Sullivan, of the work in the construction of the new United States post-office and court-house in Charleston, S. C., under the contract of the said D. A. J. Sullivan to construct the same, dated January 13,

1890, and ascertain what work was done thereunder, and whether for any reason the said parties who performed said work are justly and equitably entitled to be reimbursed the amount by them expended in performing said work over and above the original contract price; and the said Secretary is authorized to take evidence to ascertain the facts in the case, notwithstanding the terms of the contract, and to determine the amount that should fairly and equitably be allowed said parties, and to pay such sum as he may determine shall be allowed, not to exceed, however, the sum of \$25,000. And a sufficient amount of money is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, to pay the amount so found to be fairly and equitably due, not exceeding the sum of \$25,000.

The amendments reported by the committee were read, as follows:

Strike out from line 6, page 2, the words "twenty-five thousand" and insert in lieu thereof the words "twenty-two thousand seven hundred and four."

Also, strike out from line 10, page 2, the words "twenty-five thousand" and insert in lieu thereof the words "twenty-two thousand seven hundred and four."

Mr. CLAUDE KITCHIN. As the gentleman from New York [Mr. PAYNE] has read the report in this case, I move that the bill be laid aside to be reported favorably.

Mr. PAYNE. I do not recollect anything of that kind. [Laughter.]

Mr. CLAUDE KITCHIN. Well, I move that the bill be laid aside for favorable report.

Mr. PAYNE. I hope the gentleman will not press that motion at once. I should like to have the report read in my time, so that there may be no misunderstanding.

Mr. CLAUDE KITCHIN. I yield to the gentleman from South Carolina [Mr. ELLIOTT] to make a brief statement.

Mr. PAYNE. Although I have a right to the floor, I am not going to insist upon it, and I yield to the gentleman from South Carolina.

The CHAIRMAN. The gentleman from South Carolina [Mr. ELLIOTT] is recognized.

Mr. ELLIOTT. Mr. Chairman, I should have been quite content to have the report read without any further explanation, for I am sure that the gentleman from New York on hearing the report would have had no objection to the bill.

This bill is for the relief of the sureties of Daniel A. J. Sullivan, who, in about 1890, became a contractor for building the superstructure of the Charleston post-office. The claim arises from the various acts of the Government officials which imposed great hardships, delay, and damage on the contractor. The history of the matter is as follows: Mr. Sullivan was, first of all, delayed sixteen months in commencing his contract because of the supposed necessity to have taken up some of the work upon the foundation of the building, with which Mr. Sullivan had nothing to do. That was the first trouble he encountered.

That delay, first of all, brought him under the operation of the eight-hour law, very much to his injury. After he was allowed to go to work he was persecuted and subjected to all manner of improper and illegal demands, both by the superintendent in charge of the building and by his foreman, Mr. Caulfield. Sullivan protested time and again to the authorities at Washington, and he gave notice that he was forced by the superintendent to put upon the building a greatly superior class of work than his contract called for. He gave the authorities notice that, being under duress in consequence of the authority of the superintendent over him, he would make claim against the Government for the value of all such work. The Government sent down to Charleston several inspectors for the purpose of ascertaining the facts with reference to these many differences between the superintendent and foreman and the contractor.

At first they gave not very much attention to Sullivan's complaints, but finally it was ascertained that what he had complained of was true, and to an extent that the gentlemen of this committee would hardly believe possible on the part of a Government official. As a result of those reports, Mr. Caulfield, the foreman, was first discharged; but the troubles continued, and the Secretary of the Treasury finally found it necessary, in the interests of justice, and decency even, to discharge the superintendent. The whole trouble arose out of the fact that General Stolbrand was a foreigner and not accustomed to American ways. As an instance of that, one of the Government inspectors reports that when the Government inspector, being on the spot, required some things to be examined into, Stolbrand said that he would have nothing to do with it, because the mortar with which the material was laid was mixed according to American methods and not according to those prevailing in the Kingdom of Denmark, of which he was a native.

The same inspector says further that, upon his making a very proper and reasonable suggestion as to some matter, he was overwhelmed by a great amount of invective and abuse and threats of official decapitation. Now, I have not time to go into all of this, but the result of it was that Mr. Sullivan became insolvent about the time that Stolbrand was discharged as superintendent, and very soon afterwards died. His sureties, these gentlemen for whose relief this bill is introduced, took up the completion of the

contract. The inspectors report them to be gentlemen of the highest honor and integrity, and among the leading citizens of Charleston. They went to work in a systematic and business-like way, making a thorough organization to complete the building. These sureties paid out in completing that contract over \$44,000 more than had been received from the Government on account of the contract, not one dollar of which has ever been repaid them.

Now, this bill is not for damages against the Government. There is no element of that sort in it. It is simply that the Government shall pay to these sureties the amount which the Government has been bettered by this improved character of work. The testimony is all here. It is of a very technical character, and it is impossible in the limited time to place it before the members of the committee, as would be proper if the matter were now up for full investigation. The object of the bill is to refer it to the Secretary of the Treasury to ascertain what in justice and fairness and equity should be paid to these gentlemen. There is not one dollar claimed except what the Secretary of the Treasury may find to be derived by the Government from its having received a superior class of work upon the building. That is the whole case, and I think, under the circumstances, no definite sum being appropriated, it all being left to the Secretary of the Treasury, in whom, of course, we all have perfect confidence, and from the further fact that these examinations have been made and show upon their face the merits of the case, though of course they were not as full and complete as the Secretary will hereafter make, that the bill should become a law.

Mr. CRUMPACKER. Will the gentleman yield for a question or two for information?

Mr. ELLIOTT. Certainly.

Mr. CRUMPACKER. From my understanding of the bill, as it was read by the Clerk, I got the impression that it authorizes the Secretary of the Treasury to open up the whole situation and ascertain what the public building is fairly and equitably worth.

Mr. ELLIOTT. Yes.

Mr. CRUMPACKER. And to pay that amount without regard to the terms fixed by the contract.

Mr. ELLIOTT. Not exceeding some \$22,000.

Mr. CRUMPACKER. Not exceeding \$22,000. So that if the original contractor had by error of judgment agreed in the competitive bidding to construct the building for an inadequate sum, the Secretary of the Treasury would be allowed to make up for the discrepancy under the terms of this bill.

Mr. ELLIOTT. No. The point is that he was required by the Government superintendent to do work of a character far superior to what the contract required him to do. He complained of it time and again and gave notice that he would hold the Government responsible. The claim is only for the betterment.

Mr. CRUMPACKER. I have no disposition to oppose this bill if it is properly safeguarded, provided it does not contain that feature.

Mr. FOSTER of Vermont. It does not.

Mr. CRUMPACKER. It occurred to me that if the contractor for a public building in competitive bidding fixes his figures, and gives bond for the faithful execution of the work, and it shall afterwards turn out that his bid was for too small a sum, if he is to be allowed to come in afterwards and recover from the Government what he probably lost under the terms of the contract, it is a very bad precedent.

Mr. FOSTER of Vermont. That is not involved.

Mr. ELLIOTT. The point is—

Mr. CRUMPACKER. I beg to say that from the reading of the bill I got that understanding of it. Of course I understand that embarrassments come through the fault, sometimes, of Government officers, from visiting architects, and this and that, and as a rule I think contractors add about 20 per cent to the normal cost of Government buildings to provide against such contingencies. As a rule it costs the Government 20 to 25 per cent more to construct a building than it does for private individuals, and it ought to cost that much more, I think, in view of the character of the inspection.

Mr. LATIMER. If the gentleman will just yield for a moment I think I can answer the gentleman from Indiana. This is for a better class of brick than was required in the contract, that were put in by these sureties.

Mr. CRUMPACKER. I understand that all right enough, but my understanding of the bill is that the Secretary of the Treasury is authorized to ascertain what the building would cost, what it is fairly and equitably worth, without regard to the terms of the contract. Now, there may be some parts of the building that were not interfered with, and the contractor's bid may have been too low. Yet it will be the duty of the Secretary of the Treasury to add to the terms of the contract whatever ought to have been added by the prudent judgment of the contractor when he put in his bid.

Mr. LATIMER. As I understand it, it is simply to pay for betterments over and above the contract.

Mr. CRUMPACKER. The bill provides for more than that.

Mr. ELLIOTT. The gentleman is mistaken.

Mr. CLAUDE KITCHIN. It says that it shall not exceed the amount which the Government inspector says was put into betterments.

Mr. CRUMPACKER. It opens up that question and authorizes the Secretary of the Treasury to reimburse the contractor for a bad bargain that he made with the Government.

Mr. CLAUDE KITCHIN. But not to exceed \$22,000, which is the amount the Government inspector said was put in extra for bricks, even, over and above the contract.

Mr. LATIMER. For mortar and brick.

Mr. PAYNE. Why do you not amend your bill and put it in for the extras required by the Government?

Mr. LATIMER. That is exactly what is put in, on the report of the Government inspector.

Mr. PAYNE. It is incomprehensible how any Government inspector went to work and required more than the contract required. I never came across one that would hold the contractor up to his contract.

Mr. LATIMER. The inspector sent there by the Treasury Department reported that the betterments amount to this sum.

Mr. PAYNE. The Treasury Department is to pay what the building would equitably cost in the way it was built, deducting from that the sum that was paid.

Mr. LATIMER. Not at all.

Mr. PAYNE. I gathered that from the remarks of my friend from Indiana [Mr. CRUMPACKER]. I have not read the bill.

Mr. FINLEY. If the gentleman will excuse me a moment—

Mr. CRUMPACKER. This is a short bill, and I will read it, and we can determine the question then:

That the Secretary of the Treasury be, and is hereby, authorized to examine into the circumstances of the performance and execution by William M. Bird, James F. Redding, Henry F. Welch, and others, as sureties of D. A. J. Sullivan, of the work in the construction of the new United States post-office and court-house in Charleston, S. C., under the contract of the said D. A. J. Sullivan to construct the same, dated January 13, 1890, and ascertain what work was done thereunder, and whether for any reason the said parties who performed said work are justly and equitably entitled to be reimbursed the amount by them expended in performing said work over and above the original contract price.

Mr. FOSTER of Vermont. That is the point.

Mr. FINLEY. That is, under the contract.

Mr. CRUMPACKER (reading):

And the said Secretary is authorized to take evidence to ascertain the facts in the case, notwithstanding the terms of the contract, and to determine the amount that should fairly and equitably be allowed said parties, and to pay such sum as he may determine shall be allowed, not to exceed, however, the sum of \$22,704. And a sufficient amount of money is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, to pay the amount so found to be fairly and equitably due, not exceeding the sum of \$22,704.

Mr. LATIMER. It is over and above the contract.

Mr. CRUMPACKER. It does not say over and above the contract.

To perform such work is justly entitled to be reimbursed the amount they have expended in performing the work over and above.

Suppose the original contract was too small, it was inadequate, and they equitably had to expend an amount necessary to carry on the contract. The question I had in mind was whether it would not open up that question.

Mr. CLAUDE KITCHIN. No.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH MUHLEMAN.

Mr. GRAFF. Mr. Chairman, I now call up the bill S. 2216.

The Clerk read as follows:

A bill (S. 2216) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full compensation for the death of said Samuel A. Muhleman on February 14, 1898, caused by injury received on the 9th day of June, 1893, while employed as a clerk in the Record and Pension Office, War Department, while located in Ford's Theater at the time of its collapse.

Mr. GRAFF. I yield to the gentleman from Iowa [Mr. THOMAS].

Mr. THOMAS of Iowa. Mr. Chairman, this bill, that has already passed the Senate, proposes to appropriate the sum of \$5,000 for the benefit of the heirs of Samuel A. Muhleman, who received injuries at the time of the collapse of the Ford Theater in this city, from which injuries the evidence conclusively shows that he afterwards died. A commission was appointed after this disaster

occurred for the purpose of examining into the cases of injury, and that commission fixed the amount of damages to the heirs of parties who were killed in the accident at \$5,000. This commission fixed the sum of \$5,000 as the amount of damages to be awarded in this class of cases, and that rule has been adopted in all cases of death caused by this accident. This is the last of these claims, so far as the Committee on Claims is advised. It is proposed by this bill to pay the heirs of Mr. Muhleman the same sum as damages as was paid to the heirs of the other parties who were killed outright in the disaster. I therefore move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. If the gentleman will allow me, I should like to ask him a question.

Mr. THOMAS of Iowa. Certainly.

Mr. PAYNE. How many commissions have there been to fix the amount of damages on account of injuries received at the Ford Theater? How often has the time been extended and how many commissions have there been? Is the gentleman able to state?

Mr. THOMAS of Iowa. I am not advised as to that.

Mr. PAYNE. Did this party, who is deceased, living at the time of these commissions, ever present a claim to the commission for that injury?

Mr. THOMAS of Iowa. I am not advised that he ever presented a claim to the commission. In fact, I understand that he did not present any claim to the commission.

Mr. PAYNE. Then he did not find out in his lifetime that he was injured there?

Mr. THOMAS of Iowa. Oh, yes; the testimony of the physicians, which appears in the report, shows that he complained of injuries from the time of the accident up to the time of his death. The testimony of the physicians who attended him during this time clearly establishes that fact; and that afterwards they were the cause of his death.

Mr. PAYNE. What was the nature of the injury that caused the death?

Mr. THOMAS of Iowa. The cause of death, as the result of the injuries, was heart trouble. This disease continued to increase in severity from the time of the injury until it eventually resulted in his death.

Mr. PAYNE. How long after that injury was it that he died of heart trouble?

Mr. THOMAS of Iowa. He died in 1893.

Mr. PAYNE. And the injury was when? I have forgotten the date of the accident.

Mr. THOMAS of Iowa. Nearly five years before.

Mr. PAYNE. Five years after the injuries he died. You are positive he did not present any claim to the Commission?

Mr. THOMAS of Iowa. I am not advised that he did.

Mr. GRAFF. No, I think not.

Mr. PAYNE. He did not get any award from the Commission?

Mr. THOMAS of Iowa. There is no question about that.

Mr. PAYNE. What evidence is there of the man having heart trouble five years before he died, and the effect of the injury?

Mr. THOMAS of Iowa. We have the testimony of the physicians who treated him before and during this entire time, and who treated him up to his death. This evidence we have.

Mr. PAYNE. And he testifies that this disability came from the accident?

Mr. THOMAS of Iowa. Yes, sir.

Mr. PAYNE. Who is this doctor?

Mr. THOMAS of Iowa. Thomas Hynes, Fred K. Swett, James T. Hensley, D. H. Riggs, R. B. Johnstone.

Mr. PAYNE. He did not have all those doctors?

Mr. THOMAS of Iowa (continuing). G. Howard Kennard and E. A. Wehrman.

Mr. PAYNE. Did he have all those doctors?

Mr. DOVENER. He was treated by all of them.

Mr. PAYNE. He was treated by all of them?

Mr. DOVENER. Trying to cure him.

Mr. PAYNE. No wonder that he died of heart trouble.

Mr. DOVENER. The evidence showed that he did not have heart trouble before the injury and that accident caused it.

Mr. GRAFF. Will the gentleman allow me for a moment?

Mr. PAYNE. Will the gentleman from Iowa yield to the gentleman from Illinois?

Mr. GRAFF. Mr. Chairman, I must confess that my sympathies were aroused—and I am as hard-hearted as the gentleman from New York, probably—with the story that Mrs. Muhleman told me in regard to the matter. The whole West Virginia delegation are interested in this claim. Mrs. Muhleman is a woman of high character. She has an unfortunate daughter who is consumptive. The boy is in the schools here, with only one arm, and the family is now supported through the work of one daughter, a young lady of about 21 or 22 years of age, and while that

has nothing to do with the legal aspect of the case, it had a great deal to do with eliciting my interest in securing its consideration.

Mr. STEPHENS of Texas. Is it not a presumption of law that after the injury has occurred and a year and a day has elapsed that he died from some other cause?

Mr. GRAFF. That might be a prima facie presumption, but not an absolute fact. It would not bar medical testimony from establishing directly that there was a connection between the trouble and the death.

Mr. STEPHENS of Texas. But it changes the burden of proof.

Mr. GRAFF. So far as the Government liability is concerned for the disaster itself, that matter is already covered and has been determined.

Mr. PAYNE. Now, Mr. Chairman, if the gentleman will allow me, if the condition of this family had been presented to me, and I had heard of the trouble of the family—the consumption of the daughter and the loss of the arm of the son—and the hard road they had to travel to get along, I should have felt very much like putting my hand into my pocket and trying to help them out.

Mr. THOMAS of Iowa. How much will the gentleman give now? [Laughter.]

Mr. GRAFF. Yes; how much will the gentleman contribute?

Mr. PAYNE. I will give as much as the gentleman from Iowa will. Now, as I say, I should be tempted to do that. If I was convinced of that fact, I should feel like contributing to help them, but I should not feel like putting my hand into the Treasury of the United States and paying this sum out of sympathy.

Mr. THOMAS of Iowa. It is not out of sympathy, but where there is a just claim to back it up it seems to me that this is right.

Mr. PAYNE. Sympathy is the ground the chairman put it on. Now, we have had two commissions and we have invited everybody to come in before the commission, and every time the report has come in we have been assured that this was the last claim. We have advertised for claims through the papers, and the last person who imagined he had a claim came in here. Now, after the decease of this gentleman from heart disease, or doctors, or something else, the claim comes in here, the full claim of \$5,000, for the death of this person. I do not think we ought to pay it. I would be willing to take up a subscription if the statement about the family is well authenticated, but I should want the committee to acquire more evidence than they usually do; but I do not feel, for one, like putting my hand into the Treasury of the United States and paying out Government money for this purpose.

Mr. THOMAS of Iowa. Mr. Chairman, I call for a vote.

The bill was laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

- S. 3354. An act for the relief of G. W. Ratleff;
- S. 3620. An act to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes;
- S. 6229. An act granting a pension to Patrick W. O'Donnell;
- S. 6867. An act to authorize the building of dams and other improvements in the Columbia River in the State of Washington;
- S. 7043. An act to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;
- S. 7063. An act permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.;
- S. 7148. An act replacing burned buildings at Fort Brady, Mich.; and
- S. 7152. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The message also announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House was requested:

- H. R. 11139. An act granting a pension to Carter B. Harrison.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

- S. 7148. An act replacing burned buildings at Fort Brady, Mich.—to the Committee on Appropriations.
- S. 7043. An act to establish a light-house depot for the Second light-house district, Boston Harbor—to the Committee on Interstate and Foreign Commerce.
- S. 6867. An act to authorize the building of dams and other

improvements in the Columbia River in the State of Washington—to the Committee on Interstate and Foreign Commerce.

S. 7152. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

S. 3620. An act to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes—to the Committee on Indian Affairs.

S. 3354. An act for the relief of G. W. Ratleff—to the Committee on War Claims.

S. 6229. An act granting a pension to Patrick W. O'Donnell—to the Committee on Pensions.

G. H. SOWDER.

The committee resumed its session.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now call up the bill (S. 1928) for the relief of G. H. Sowder.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of the Treasury of the United States, of any money not otherwise appropriated, to G. H. Sowder, of Pineville, Bell County, Ky., administrator of the estate of B. H. Sowder, deceased, failing mail contractor, the sum of \$597.77, the amount due to the estate of B. H. Sowder, as shown by the records of the Auditor's Office for the Post-Office Department.

Mr. PAYNE. I trust the gentleman will give us some explanation of this bill.

Mr. CLAUDE KITCHIN. This is another of the mail carriers, found to be due on the settlement with the Department before the war. This is not one of the Confederate veterans, either.

Mr. PAYNE. Well, Mr. Chairman, if we are to spend the time on these claims which I am satisfied were paid by the Confederate Government, I think we might as well go into some other business. On this claim I think I better have read some pages of the RECORD from the Forty-fifth Congress, where the arguments are set out more cogently than perhaps I can set them out.

Mr. CLAUDE KITCHIN. This claimant was not included with those who presented their claims in the Forty-sixth Congress. He was not in the Confederate States. A letter of the Secretary of the Treasury admits that this amount is due and to his credit there now. A similar bill has been introduced in several Congresses, but never could be reached, and I would say to the gentleman from New York that this man was a Union soldier.

Mr. PAYNE. Now the gentleman has changed the status of his claim by saying it was not one of the Confederate States, and therefore could not have been paid by the Confederate Government, although he assured me in the first instance that it was another one of those claims.

Mr. CLAUDE KITCHIN. The gentleman misunderstood me. I referred to it as an ante-bellum mail claim.

Mr. PAYNE. I supposed it was one from the Confederate States.

Mr. CLAUDE KITCHIN. No; it was from Kentucky.

The bill was laid aside to be reported to the House with a favorable recommendation.

L. A. NOYES.

Mr. GRAFF. Mr. Chairman, I now call up the bill (S. 3546) for the relief of L. A. Noyes.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$1,819 to L. A. Noyes, for services rendered as acting assistant Treasury agent at the island of St. George, Alaska, from August 1, 1886, to May 30, 1887, inclusive.

Mr. FOSTER of Vermont. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, I would like to have the gentleman state the character of this bill.

Mr. FOSTER of Vermont. Mr. Chairman, in 1886, in President Cleveland's Administration, Mr. George R. Tingle, special Treasury agent in charge of the Pribilof Islands, Alaska, had permission to return to Washington and was instructed to leave two of his three assistants at the islands during the winter, one in charge of the island of St. Paul and the other in charge of the island of St. George. The three assistants were T. F. Ryan, A. P. Loud, and J. P. Manchester, the two latter having gone up to the islands at the opening of the season, twice the force being required in the summer as in the winter.

Mr. Tingle and Mr. Ryan, having spent the previous winter on the islands, were, in accordance with custom and the written permission of the Secretary of the Treasury, granted leave to return to the States, and Captain Loud relieved Mr. Tingle at St. Paul Island, according to expectation; but Mr. Manchester, who was expected to relieve Mr. Ryan at St. George, had a verbal under-

standing with Assistant Secretary Smith before he left Washington, that on account of the illness of his wife he, too, if he chose, at the close of the sealing season, might return home, which he decided to do, thus leaving St. George without a Government officer.

Mr. Tingle knew that this would not answer, as valuable property interests were at stake, and he accordingly applied to Mr. L. A. Noyes to take charge of St. George Island for the winter. From an examination of the records of his office he found that in a similar emergency in 1870 Captain Bryant, the Treasury agent in charge, had appointed a Mr. Falconer to fill a vacancy, and that the Secretary subsequently ratified the appointment, and permitted Mr. Falconer to be paid without objection. In this instance, however, the Treasury Department held that as this assistant, Mr. Manchester, had not formally tendered his resignation, there was no actual vacancy, and that therefore the agent had no authority to appoint Mr. Noyes. Mr. Noyes consented reluctantly to remain there during the winter, and he did remain there. The Treasury Department finds that he rendered valuable and necessary services, and recommends the payment of this amount by Congress.

Mr. PAYNE. The man who appointed him got his own salary, I suppose?

Mr. FOSTER of Vermont. No; he returned home, so that he had no salary.

Mr. PAYNE. Are you sure about that?

Mr. FOSTER of Vermont. I take it to be the fact, because the Government of the United States is not accustomed to pay officials except when on duty.

Mr. PAYNE. Oh, the gentleman is not acquainted with the Government of the United States. [Laughter.]

Mr. FOSTER of Vermont. I know I am not as well as the gentleman from New York, but I hope to be.

Mr. PAYNE. I hope so.

Mr. GRAFF. I do not see that that has anything to do with the case if the Government saw fit to let this official come home and let this other man render the service.

Mr. PAYNE. It has simply this to do with it: This officer of the United States wants to go home, so he jumps his job and leaves somebody in charge of it, and then he comes in and wants the Government to pay somebody else as well as himself.

Mr. FOSTER of Vermont. That is not this case at all.

Mr. PAYNE. Well, then, he has been paid; of course it would be a violent presumption to suppose he had not been paid.

Mr. FOSTER of Vermont. The gentleman does not understand the case at all. This agent who returned home was authorized by the Department to leave two assistants there, whether he remained there or not. Both of those assistants returned home, however, and the third one, who was expected to remain there and take the place which Mr. Noyes filled, had a verbal understanding with the Secretary of the Treasury that he might also return home, and he did return home, and from that time he drew nothing from the Government. Mr. Noyes took his place, and all we ask is that Mr. Noyes have the compensation that the assistant would have had if he had not returned home.

Mr. PAYNE. Did not the gentleman say a moment ago that the Treasury Department did not appoint this man because the places were filled by these other assistants?

Mr. FOSTER of Vermont. Let me explain.

Mr. PAYNE. Did not the gentleman say that?

Mr. FOSTER of Vermont. No; the gentleman from New York did not understand me. I will explain what I said.

Mr. Manchester, who was expected to relieve Mr. Ryan, and who held this place which Mr. Noyes filled, stated that he had a verbal understanding with the Secretary by which he could return home. The Treasury Department held that, because he did not send in his resignation before he returned home, there was in reality no vacancy, and that, therefore, Mr. Tingle could not legally make the appointment. If Mr. Manchester had reached Washington and had handed in his resignation before the appointment of Mr. Noyes, then, in accordance with the case of Captain Bryant in 1870, the Treasury Department would not have raised the question at all, but would promptly have paid Mr. Noyes his salary.

Mr. PAYNE. Then I was right about it. When Mr. Noyes took charge there, there was a full corps of assistants drawing their pay.

Mr. FOSTER of Vermont. No; not drawing their pay.

Mr. PAYNE. Oh, yes.

Mr. FOSTER of Vermont. Mr. Manchester had ceased to draw pay. Their pay was simply \$6 a day when on duty.

Mr. PAYNE. And he was on duty until he reported to Washington. [Cries of "Vote!" "Vote!"]

Mr. GRAFF. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

MAJ. WILLIAM KENDALL.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the account of William Kendall, deceased, as a sutler at Fort Columbus, New York Harbor, for articles furnished by him to soldiers there recruited or stationed during the period from the 1st day of January, 1867, to the 31st day of December, 1868, inclusive.

SEC. 2. That in all cases where the several amounts claimed were regularly entered on the original muster of descriptive rolls which accompanied the detachments from said fort, and where thus charged against the respective soldiers but were not transferred to the company rolls nor retained out of the soldier's pay and allowed to said William Kendall, deceased, the said amounts, not to exceed, exclusive of interest, \$2,000, shall be allowed and paid to the legal representative of said William Kendall, deceased, out of any moneys in the Treasury not otherwise appropriated.

Mr. CLAUDE KITCHIN. Mr. Chairman, this bill has received the approval of the appropriate officers of the Treasury Department. The Second Auditor has investigated the case, and in a letter written, I think, in 1886, says that this is plainly a just claim and an accounting ought to be had. It has been shown to the satisfaction of the committee and also the Second Auditor that charges entered on the muster and descriptive rolls accompanying certain detachments sent from Fort Columbus, New York Harbor, between January 1, 1867, and December 31, 1868, were not transferred to the rolls of the company to which the recruits were assigned, and for this reason William Kendall, who was sutler to the Army at Fort Columbus, never received pay for his services and sales.

Mr. PAYNE. Is the letter of the Second Auditor printed in the report?

Mr. CLAUDE KITCHIN. Yes, sir. Mr. Chairman, I move that the bill be laid aside to be reported to the House for favorable consideration.

The motion was agreed to.

W. M. JACOBS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit all claims for expenses and losses of all kinds incurred by any customers of W. M. Jacobs, doing business as W. M. Jacobs & Co., as the Eagle Cigar Company, and as the Postal Cigar Company, of Lancaster, Pa., in restamping, reclaiming, and reshipping of cigars bought of said W. M. Jacobs, which said cigars by reason of having been fraudulently stamped by said W. M. Jacobs at the time of their sale to said customers, were seized by the Government and held until restamped by said customers and until certain penalties had been paid thereon.

SEC. 2. That after said claims shall have been duly audited and approved by the Secretary of the Treasury he is hereby authorized to pay the amounts found due to each of said customers, out of any money in the Treasury not otherwise appropriated.

The following committee amendments were read:

Amend the title so as to read:

"A bill for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps."

Strike out all of section 1 after the word "authorized," in line 4, and insert the following: "and directed to pay innocent purchasers of cigars bearing counterfeit stamps, placed upon the market by W. M. Jacobs & Co., of the ninth collection district of Pennsylvania, the amounts found by the Commissioner of Internal Revenue to have been paid by such parties to obtain the release of such cigars as may have been seized on account of bearing said counterfeit stamps, either as offers of compromise or for genuine stamps purchased and affixed to such cigars in place of the counterfeit stamps."

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Pennsylvania, [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Chairman. I yield to the gentleman from Pennsylvania, my colleague, Mr. OLMSTED, who is familiar with the facts in the case and, I may say, prepared the report at my request.

Mr. OLMSTED (Mr. LACEY temporarily in the chair). Mr. Chairman, for some years prior to April, 1899, M. W. Jacobs was doing business on a very large scale as a tobacco manufacturer at Lancaster, Pa., under the name of Jacobs & Company, the Eagle Cigar Company, the Postal Cigar Company, and other names. It subsequently transpired that he was also doing a very large business in the manufacture of counterfeit revenue stamps, making a counterfeit so perfect that even the officers of the Government for a long time were unable to distinguish it from the genuine. About that time, however, they became aware of his nefarious operations and also of the fact that he had confederates. Instead of stopping him at the time, they permitted him to go on manufacturing cigars and stamping them with what they knew, but nobody else knew, to be counterfeit stamps.

They permitted him to go on to the end that they might discover his confederates. They did so after some months and unearthed one of the most gigantic plans for the defrauding of the Government in that direction that has ever been known, resulting in sending to the penitentiary an ex-United States district attorney, and another lawyer who were, with others, confederated

with Jacobs. The Government seized the property of Jacobs and sold it, realizing about \$28,000. They also collected from debtors of Jacobs moneys due him from those debtors, so that the Government realized about \$30,000 from his property and debts. In the meantime there were some innocent sellers of cigars who had purchased from Jacobs cigars with these counterfeit stamps upon them, not knowing them to be counterfeit.

The Government seized those cigars in the hands of these innocent traders and compelled them to compromise with the Government by paying for other stamps. Now, those gentlemen would have had recourse against Jacobs, who was solvent when they traded with him, but for the fact that the Government had seized the property and credits of Jacobs and sold them, realizing this \$30,000 for itself. This bill is to reimburse those innocent holders who were found having cigars in their possession bearing these counterfeit stamps. It is approved by the collector of internal revenue and the bill as it now stands was drawn by the collector of internal revenue.

Mr. BUTLER of Pennsylvania. That form was adopted by the Committee on Claims.

Mr. OLMSTED. The form recommended by the Commissioner of Internal Revenue was adopted by the Committee on Claims, which has recommended amendments to the original bill to make it conform with the ideas of the Commissioner.

Mr. PAYNE. Does the gentleman know how much money is involved?

Mr. OLMSTED. There is only one of which I have personal knowledge, and that is for \$745 and some odd cents, due to Mr. Livingstone, a very reputable gentleman living in my district; but I infer from my personal conference with the collector of internal revenue that there are perhaps five or six thousand dollars in all, possibly more.

Mr. BUTLER of Pennsylvania. And the Government has received already \$30,000.

Mr. PAYNE. Does not the gentleman think that, even under that state of facts, it would be a good thing to put in here an amendment that the payment should not exceed \$30,000? And if the gentleman would make it \$10,000 it would suit me better.

Mr. OLMSTED. I do not think there will be claims found to exceed that. That knowledge is not in my possession, but the point is that these cigars bore counterfeit stamps and came into the possession of these innocent holders through the fact that the Government officers and agents thought it best in the interests of justice not to stop Jacobs from manufacturing the stamps until they had discovered those who were confederated with him.

Mr. PAYNE. Mr. Chairman, I do not know exactly how this bill reads, but I will venture an amendment providing that no claim shall be paid which is not presented within six months after the passage of this act.

The CHAIRMAN. The gentleman from New York offers an amendment, which the clerk will report.

The Clerk read as follows:

And provided further, That no claim shall be paid which is not presented within six months after the passage of this act.

Mr. OLMSTED. Mr. Chairman, I hope the committee will accept that amendment.

Mr. GRAFF. Mr. Chairman, we will accept that amendment. The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. PAYNE. I am going to offer still another amendment:

Provided further, That not more than \$30,000 shall be paid from the Treasury on account of such claims.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Provided further, That not more than \$30,000 shall be paid from the Treasury on account of such claims.

Mr. OLMSTED. Mr. Chairman, I have no knowledge of any claims amounting to any such sum as that; but the information upon the subject is not in my possession, and whatever the claims honestly amount to, as found by the Commissioner of Internal Revenue and the Secretary of the Treasury, as provided here, ought to be paid. If the amount should be found to be one dollar more than the gentleman's amendment provides for, I do not know how it would be divided.

Mr. PAYNE. Pro rata.

Mr. BUTLER of Pennsylvania. Suppose the amount should be limited to \$30,000, and it should be discovered that the claims that could be sustained under this bill amount to \$30,500. How are you going to apportion them?

Mr. PAYNE. I would add the words "to be paid pro rata."

Mr. BUTLER of Pennsylvania. Would that be fair, under the basis of this bill?

Mr. PAYNE. Let me say to the gentleman from Pennsylvania that the strong argument that appealed to me was the fact that

the Government had taken the property of this man Jacobs and sold it and received \$30,000 for it, and if the Government had not seized his property these people could have sued him and got these claims. Now, having taken his property to the amount of \$30,000, I am willing to reimburse these people to that extent, and if the claims do not amount to more than this sum you are perfectly safe.

The question being taken on the amendment offered by Mr. PAYNE, on a division (demanded by Mr. PAYNE), there were—ayes 33, noes 43.

Mr. OLMSTED. In order to conform to the bill as drawn by the Commissioner of Internal Revenue, and also to conform to the report of the committee, the second section of the bill ought to be stricken out. It does not appear to be so marked in the printed copy, and I move that the second section be stricken out.

Mr. PAYNE. I do not object to that, if my amendment is added to the first section. I am glad the gentleman accepted even that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2.

The amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. CRUMPACKER. I want to offer a few remarks upon the merits of this bill.

The CHAIRMAN. The committee amendment is still pending. The question is on the committee amendment.

Mr. CRUMPACKER. Mr. Chairman, I have listened quite attentively to the gentleman from Pennsylvania [Mr. OLMSTED] in the brief explanation he made of the character of this bill, and I am unable to understand the theory of liability, or the philosophy upon which he bases the liability of the Government.

I understand that the firm with which Mr. Jacobs was connected was engaged in the manufacture and sale of tobacco and cigars, and that they counterfeited a large number of stamps and sold cigars and tobaccos with the counterfeit stamps upon them, and revenue officers of the Government afterwards went around and seized cigars and tobaccos in the hands of innocent purchasers having the counterfeit stamps upon them, and the purchasers were compelled to pay the regular Government tax. That is the case in a nutshell.

Mr. OLMSTED. If the gentleman will permit me right there, I will venture the observation that that is not the case in a nutshell. These stamps were sold after the Government knew that Jacobs was counterfeiting them, with the knowledge of the Government, but not with the knowledge of the innocent purchasers. The Government thought it better, in the interest of the public service, to permit this to go on until its agents could unearth the whole plot.

Mr. CRUMPACKER. There is nothing in the bill limiting the claimants at all to such transactions as that. The bill does not limit the liability of the Government to sales of cigars and tobaccos containing the counterfeit Government stamps within the period or time after the Federal officers had knowledge of the counterfeit work. There is no such limitation contained in the bill; but respecting sales made prior to that time, sales made in the course of trade right along, wherever the Government discovered them and required the full payment of taxes, may be recovered under the provisions of this bill.

Mr. CASSEL. If I may interrupt the gentleman, he is mistaken, as he will see if he will read the bill.

Mr. CRUMPACKER. Just a moment. Upon the same principle, if a man in the ordinary course of business receives counterfeit money, he has the same right to go to the Government and ask it to reimburse him—to give him good, honest coin for the counterfeit money that comes to him in the course of trade. Now, the fact that the Government received \$30,000 from these cigar makers and tobacco manufacturers does not alter the situation in any respect, because I understand that the Government holds a lien upon all the stock and assets of cigar and tobacco factories for the taxes.

Are we to establish the precedent now that the prior lien of the Government for the tobacco tax shall be waived in favor of men who have been defrauded by counterfeiters, by conspirators? This bill involves quite an important principle, it seems to me. I do not believe the Government ought to be held responsible for this claim at all. It was the misfortune of the innocent purchasers from this dishonest firm. The Government simply pursued the policy provided by public law. No statement has been made to the House showing that if the Government had taken action immediately upon its discovery of the counterfeiting that these men, the claimants, would have had any less tobacco or cigars on hand with spurious stamps on them than they did at the time the Government required them to pay the taxes.

There is nothing to shown and nobody has yet claimed, that these particular claimants suffered any on account of the delay of the Government. They were regularly in business and probably had as much stock on hand with spurious stamps at the time the fraud was first discovered as they did when their goods were seized. I believe the bill is wrong in principle and establishes a most dangerous precedent, and I shall vote against it. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

I. R. HARKRADER.

Mr. CLAUDE KITCHIN. I now call up the bill H. R. 11205.

Mr. PAYNE. I would like to ask the chairman of the committee if he intends to pass any of these bills in the House?

Mr. GRAFF. Yes.

Mr. PAYNE. I suppose the gentleman knows it is now twenty-five minutes past 4?

Mr. GRAFF. There are three or four members here who are urging me to pass their bills; and though they involve small amounts, they are exceedingly important to them.

Mr. PAYNE. Undoubtedly that would be the case if the gentleman sat here for a week. It is twenty-five minutes after 4 o'clock, and very often for public business we are not allowed to sit later than 5 o'clock.

Mr. GRAFF. There seems to be deep interest in the business in which we are engaged.

Mr. PAYNE. You may be deeper interested after the committee rises.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 11205) for the relief of I. R. Harkrader.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to I. R. Harkrader, sheriff of Wythe County, Va., the sum of \$97, with interest at the rate of 6 per cent per annum from the day of August, 1896, to the time of making payment, for expenses incurred in producing before Charles H. Simonton, United States district judge, at Greenville, S. C., one H. G. Wadley, in obedience to a writ of habeas corpus issued by said court.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "dollars," in line 6, up to and including the word "payment," in line 9; and recommend that the bill as so amended do pass.

Mr. CLAUDE KITCHIN. This bill is for \$97 for the expenses of a sheriff incurred in obedience to an order made by Judge Simonton, of the Federal court. Judge Simonton directed the sheriff of Wythe County, Va., to carry a prisoner from that county to Greenville, S. C., and this bill is for that expense. Judge Simonton investigated the item and ordered that it be paid by the marshal of the district, but he had no money to pay it. All that is in the report.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TO REFUND PENALTY TO THE BANK OF COLFAX, IOWA.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 13257) introduced by the gentleman from Iowa [Mr. LACEY].

The bill was read, as follows:

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa.

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to refund to the Bank of Colfax, Iowa, the sum of \$75, penalty collected by reason of delay in the receipt of special tax.

Mr. PAYNE. I hope the gentleman from Iowa will give some explanation of that bill.

Mr. LACEY (Mr. OLMSTED having resumed the chair). Mr. Chairman, in this case the wife of the cashier of the bank was taken suddenly ill, and the result was that he did not mail his bank tax until the last day, this unfortunate occurrence in the family having delayed him. In the excitement of the time he put a 2-cent stamp upon the envelope instead of a 4-cent stamp, and the collector refused to receive it. It was returned, and that threw the tax one day late, and the Commissioner of Internal Revenue is unable to refund this penalty and has recommended that it be paid. That is all there is to it.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES W. CARR.

Mr. CLAUDE KITCHIN. Mr. Chairman, I now ask to take up the bill (H. R. 14164) for the relief of Charles W. Carr.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$83.71 be allowed to Charles W. Carr, former postmaster at Englewood, Ill., being the amount deposited by him to

cover a deficiency arising in his office in the year 1894, which deposit was made to cover a loss caused by the payment by a clerk of two forged money orders, Nos. 1166 and 1540, on April 17 and May 6, 1894, respectively, without blame or fault on the part of said Charles W. Carr; and that a sum sufficient to pay the allowance now made is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The following committee amendments were read:

Strike out the word "forty" in line 10 and insert in lieu thereof the word "forty-three."
Insert the words "issued at Lansing, Mich.," after the word "forty-three" in line 10.

The committee amendments were agreed to.

Mr. CLAUDE KITCHIN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JACOB B. PHILLIPS.

Mr. GRAFF. Mr. Chairman, I now call up the bill (H. R. 8525) for the relief of Jacob B. Phillips.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$2,850 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of Jacob B. Phillips, managing owner of the schooner *Nathan Lawrence*, in full and final settlement for damages sustained by reason of a collision between the United States transport *Minnewaska* and said schooner on the morning of March 7, 1899.

With the following committee amendments:

Strike out all of said bill after the enacting clause and insert in lieu thereof the following:

"That the claim of Jacob B. Phillips, managing owner of the schooner *Nathan Lawrence*, alleged to have been damaged by a collision with the United States transport *Minnewaska*, on March 7, 1899, be referred to the Court of Claims with jurisdiction and authority to hear and determine the same to judgment, with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof; *And provided further*, That no judgment shall be rendered against the Government unless it shall affirmatively appear from the evidence adduced that such collision was the result of negligence on the part of the United States or its agents."

Amend the title to read: "A bill to grant jurisdiction and authority to the Court of Claims to adjudicate the claim of Jacob B. Phillips against the United States."

Mr. GRAFF. Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Chairman, my understanding was that the committee had amended the bill so as to restore it to its original condition. The facts in this case are these: The damage resulted from the collision between the U. S. transport *Minnewaska* on March 7, 1899, who fouled the schooner *Nathan Lawrence*, out of which this damage came, amounting to \$2,850. The Quartermaster-General wrote a letter favoring the payment of this in the following language:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, May 25, 1900.

SIR: I have the honor to return herewith H. R. 11604, for the relief of Jacob B. Phillips, appropriating the sum of \$2,850 in payment to him for damages sustained by reason of a collision between the U. S. transport *Minnewaska* and the sailing schooner *Nathan Lawrence* on the morning of March 7, 1899, referred by the Committee on Claims, House of Representatives, for facts and information; also an opinion touching the merits and justice of the claim.

In response thereto copies of the correspondence on file in this office are herewith inclosed, which afford all the facts and information of record in the Department bearing on the case.

From this correspondence it is shown that on the morning of March 7, 1899, during a severe storm, the army transport *Thomas*, formerly *Minnewaska*, while lying at anchor off Newport News, dragged her anchor and fouled with the schooner *Nathan Lawrence*.

Upon receipt in this office of the report of the accident the quartermaster at Fort Monroe was directed to investigate and report the facts and circumstances under which the damages to the schooner accrued, the estimated cost for repairs, and the amount claimed by the master of the schooner.

His report, dated March 17, 1899, copy herewith, states that the total loss due to the accident, including repairs, salary of the master, crew, wharfage, and demurrage, is \$2,850, and with his report incloses statements of the master of the ship and two shipwrights as to the damage sustained by the schooner.

The army transport *Thomas* was at the time of the accident without any cargo on board, and was therefore light in the water, and the storm coming on suddenly it was not possible to avoid the accident, though every precaution was taken by the master and crew to prevent it.

In reply to a letter of Messrs. Bickford & Stuart, attorneys, advising this office that they represented the owners of the schooner *Nathan Lawrence* in their claim for damage, they were advised that there are no funds of the Quartermaster's Department applicable to payment of claims for damages and that Congress alone can grant relief in such cases.

The bill H. R. 11604 provides for payment of the amount reported to this office as damage to the schooner *Nathan Lawrence* and expenses incident thereto. If Congress decides to authorize payment of the sum named, the Quartermaster-General has no objection to offer to the passage of the bill.

Very respectfully,

M. I. LUDINGTON,
Quartermaster-General U. S. Army.

THE SECRETARY OF WAR.

I move, Mr. Chairman, that all after the first line be omitted and that the bill read as it read in the first ten lines of the bill.

The CHAIRMAN. The question is on the adoption of the committee amendment.

Mr. GRAFF. Mr. Chairman, the committee reconsidered their action in referring it to the Court of Claims because the amount was absolutely fixed and inquired into by the War Department,

and there seems to be no reason why it should be referred to the Court of Claims.

Mr. PAYNE. Did the committee have in mind any doubt about the negligence on the part of the vessel belonging to the United States?

Mr. GRAFF. We acted first on the theory of referring it to Court of Claims.

Mr. PAYNE. Well, Mr. Chairman, I renew the committee amendment.

The CHAIRMAN. The committee amendment is now pending.

Mr. PAYNE. I understood the gentleman from Illinois to withdraw it.

Mr. GRAFF. The committee, Mr. Chairman, authorizes me to withdraw the amendment.

Mr. PAYNE. Then I offer the amendment myself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PAYNE], which the Clerk will report.

The Clerk read the committee amendment.

The amendment was considered; and, on a division (demanded by Mr. LOVERING), there were—ayes 37, noes 48.

Mr. PAYNE. Tellers, Mr. Chairman.

The question on ordering tellers was taken.

The CHAIRMAN. Seven gentlemen rising; not a sufficient number, and tellers are refused. The noes have it, and the amendment is lost.

Mr. BURKETT. Mr. Chairman, I think we ought to have the report read on this bill. We are voting out \$2,850, when the Department has said all they know about it is what is contained in the correspondence. It seems that one ship in a storm slid over against another ship. I ask that the report may be read. The gentleman from New York offered an amendment referring it to the Court of Claims, which has been voted down. We are going to pay \$2,850 when there is no established liability anywhere, and it is not believed that there is any liability whatever. The committee have changed their opinion upon it since they made this report.

The CHAIRMAN. The Chair will state that the committee is now voting upon amendments and the debate is under the five-minute rule. The gentleman from Nebraska is recognized and is entitled to have the report read to the extent of his time of five minutes.

Mr. BURKETT. Then let the Clerk read the letter from the War Department.

The Clerk read the letter from the War Department printed above in the remarks of Mr. LOVERING.

Mr. CANNON. Mr. Chairman, from that report there is no liability on the part of the Government either in law, in justice, or in equity. The statute provides touching damages by vessels of the United States for the appointment of a board. Where the board makes the investigation and makes a report showing the negligence on the part of the servants of the United States and consequent damage, it has been quite usual to pay the amount. But this negatives any idea of negligence. It states that in the harbor, where the transports have a right to be, a sudden storm came up and, although the master and crew exercised the highest kind of diligence, she dragged her anchor and there was a collision. Why, that does not make the Government liable. It would not make a citizen liable.

Now, I have no objection to this case going to the Court of Claims, but I do object to making this a precedent, because in every conceivable injury where the highest kind of diligence was exercised upon the part of the Government we would be liable, if this precedent is to be followed. It seems to me that the best course is either to send this matter to the Court of Claims or defeat the bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

The question being taken, there were—ayes 30, noes 34.

So the question was determined in the negative.

Mr. GRAFF. Was the question just taken on laying the bill aside to be favorably reported?

The CHAIRMAN. It was.

Mr. GRAFF. I went over to see the gentleman from Massachusetts to ascertain from him whether he would not accept the amendment which was insisted upon by a number of gentlemen here. I think he is willing now to accept it, if the Committee of the Whole is willing to report the bill with the amendment. I understood that was the position of the gentleman from New York [Mr. PAYNE] and also of my colleague [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have no objection to sending this claim to the Court of Claims, although on the facts as stated by the Quartermaster-General the highest degree of diligence was exercised by the master and crew of this vessel.

Mr. GRAFF. If that is true—

Mr. CANNON. It is so stated in the report.

Mr. GRAFF. Then is my colleague willing to have the bill reported to the House with the amendment of the committee referring the case to the Court of Claims?

Mr. CANNON. Yes; so far as I am concerned.

Mr. GRAFF. I ask unanimous consent, then, that the bill be laid aside with the amendment reported by the Committee on Claims.

Mr. SIMS. I object.

KATIE A. NOLAN.

Mr. CLAUDE KITCHIN. I call up the bill (H. R. 1749) for the relief of Katie A. Nolan.

Mr. PAYNE. While the Clerk is looking for this bill, I would like to inquire of the gentleman from Illinois [Mr. GRAFF] when he is going to move that the committee rise.

Mr. GRAFF. I intended to make that motion at this time. As a matter of fact, the only bill for any constituent of mine has not yet been reached. I expected to reach it on the next call, if permitted to do so.

Mr. PAYNE. Then I withdraw my question.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay unto Katie A. Nolan, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$800, in full of the difference of pay due to her as stamp clerk at the post-office at San Antonio, Tex., between the salary actually received by her and the amount of salary to which she was entitled by law from July 1, 1889, to July 1, 1893.

Mr. CLAUDE KITCHIN. Mr. Chairman, this is a bill to pay a difference of salary in the case of a stamp clerk from 1889 to 1893. The law provided that the minimum salary of the stamp clerk should be \$800. This lady had been paid only \$600, as the office when she entered it was paying only that amount. In the meantime the law was amended and the minimum was fixed at \$800. The Department writes to the committee that this lady is entitled to the difference between \$600 and \$800 per annum from July 1, 1889, to June 30, 1893. For 1894 the Department corrected the error and allowed her the \$200 additional. For the four years preceding she is entitled to the difference between \$800 and \$600.

Mr. LOUD. I should like to hear the report in this case so that we may know what the Department says. I ask that the report be read in my time.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1749) for the relief of Katie A. Nolan, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Treasury be authorized and directed to pay to Katie A. Nolan, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$800, in full of the difference of pay due to her as stamp clerk at the post-office at San Antonio, Tex., between the salary received by her and the amount of salary to which she was entitled by law from July 1, 1889, to July 1, 1893.

The First Assistant Postmaster-General informs the committee that the records of his office show that Miss Nolan was carried on the rolls of the San Antonio, Tex., post-office from July 1, 1889, to June 30, 1894, as a stamp clerk at a salary of \$600 per annum.

The minimum salary for a stamp clerk fixed by the act of Congress approved March 2, 1889, is \$800 per annum. It would therefore appear that Miss Nolan was entitled to the difference between \$600, the amount allowed her, and \$800, the minimum salary allowed under the law—viz, \$200 a year—for five years, from July 1, 1889, to June 30, 1894, or a total of \$1,000.

The error in fixing Miss Nolan's salary at \$600, however, was discovered in this office in time to allow her the additional \$200 for the year ending June 30, 1894. It therefore appears that Miss Nolan is justly entitled to the increased salary for four years—July 1, 1889, to June 30, 1893—viz, \$800.

Mr. LOUD. I understand that there is appended to the report a letter of the First Assistant Postmaster-General. If so, I ask that it be read. I suppose it is unseemly to question what the Department has said in relation to a case of this kind; but I can not imagine any justification for such a bill as this.

Mr. SLAYDEN. I can explain it.

Mr. LOUD. There is no such thing as an explanation under the law and under the policy of the Department. Let the letter of the First Assistant Postmaster-General be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, June 5, 1900.

SIR: Referring to your communication of the 29th ultimo, inclosing copy of H. R. No. 11616, entitled "A bill for the relief of Katie A. Nolan," I beg to inform you that the records of this office show that Miss Nolan was carried on the rolls of the San Antonio, Tex., post-office from July 1, 1889, to June 30, 1894, as a stamp clerk at a salary of \$600 per annum. The minimum salary for a stamp clerk, fixed by the act of Congress approved March 2, 1889, is \$800 per annum. It would therefore appear that Miss Nolan was entitled to the difference between \$600, the amount allowed her, and \$800, the minimum salary allowed under the law—viz, \$200 a year for five years from July 1, 1889, to June 30, 1894, or a total of \$1,000.

The error in fixing Miss Nolan's salary at \$600, however, was discovered in this office in time to allow her the additional \$200 for the year ending June 30, 1894. It therefore appears that Miss Nolan is justly entitled to the increased salary for four years, July 1, 1889, to June 30, 1893, viz, \$800.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

Hon. JOSEPH V. GRAFF,
Chairman Committee on Claims, House of Representatives.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, April 30, 1900.

SIR: Referring to the matter of the balance due Miss Kate A. Nolan as stamp clerk in your office from July 1, 1889, to June 30, 1894, you are advised that an examination of the records of this office show that Miss Nolan was allowed a salary of \$600 per annum during the period in question, while under the law as a stamp clerk she was entitled to a minimum salary of \$800.

This office, while willing to allow Miss Nolan the difference between the salary which she received and that to which she was entitled, is unable to allow the entire amount as the appropriation for the first four years, viz, 1889-90, 1890-91, 1891-92, and 1892-93, has lapsed, and any unexpended portion thereof has been covered into the Treasury.

This office is, however, able to allow her the balance due for the fiscal year ended June 30, 1894, viz, \$200, and you are authorized to pay the same to her, taking separate vouchers for each (\$50 each) quarter, and claim credit for the amount thus paid in your return to the Auditor for the present quarter.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

POSTMASTER, San Antonio, Tex.

Mr. LOUD. Mr. Chairman, I am not inclined to question what the First Assistant Postmaster-General has said in the letter just read. I will only say that the precedent to be established by the passage of this bill will, if carried out, involve the expenditure of many millions of dollars for the payment of similar claims.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported with a favorable recommendation?

The question was decided in the affirmative.

CHARLES A. CUTLER.

Mr. GRAFF. I call up the bill (H. R. 10921) for the relief of Charles A. Cutler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Cutler an amount equal to the pay of a second lieutenant from the 18th of February, 1865, to the 13th day of February, 1866, less the amount paid him as an enlisted man.

The amendment reported by the committee was read, as follows:

After the word "pay," in line 4, insert the words "out of any funds of the Treasury not otherwise appropriated."

Mr. GRAFF. Mr. Chairman, I move that the amendment be agreed to and that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. The question first is on the adoption of the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill as amended be laid aside with a favorable recommendation?

The motion was agreed to.

CHARLES R. HOOPER.

Mr. MILLER. Mr. Chairman, I call up the bill (H. R. 2639) for the relief of Charles R. Hooper.

The Clerk read as follows:

Whereas in the year 1894 Charles R. Hooper was employed by the United States Government in the capacity of first-class blacksmith in the forge shop in the navy-yard in the city of Washington, D. C.; and

Whereas while so engaged in said forge shop he was by an accident struck in the left eye with a piece of steel, which resulted in the entire loss of said eye. The United States naval surgeon, Dr. Wise, medical officer then in charge of said navy-yard, rendered immediate service to said Charles R. Hooper, and said Dr. Wise did thereupon advise that the injured eye be removed, which was done on August 10, 1891, by Dr. William Marmion; and

Whereas by reason of the loss of said eye the said Charles R. Hooper is so completely incapacitated from continuing his labors in said forge that he is obliged to resort to such other mental labor as he can get and do at greatly reduced wages;

Wherefore he asks the Congress of the United States, as he received this injury while working in the line of duty, to pass the following bill:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed and required to pay to the said Charles R. Hooper, or to his heirs, the sum of \$5,000, out of any money in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect from and after its approval by the President.

Mr. MILLER. Mr. Chairman, the claimant in this case, Mr. Hooper, was a skilled mechanic in the employ of the Government in the navy-yard from 1890 to 1895. During that time, and while in the performance of his duty, through the carelessness of a coworker, he was struck in the eye by a piece of steel and lost the sight of that eye. The testimony in this case shows that not only is he blind in the one eye, but on account of the sympathy of the other he is almost blind in that. The physicians, medical experts, testify that he will soon lose the sight of the other eye and become totally blind. He is a young man 27 years of age, with a wife and several children. The only means of support he has is working at his trade. He was compelled to resign by reason of this accident, and to-day is not able to engage in work of any kind.

My judgment, from what I have seen of the claimant and from the testimony of these physicians, is that within a very short time he will be totally blind and must spend the rest of his life in darkness. There are many precedents in this House for the passage of this bill. Here is a question simply of whether or not the Government shall take care of a man who was faithful in the discharge

of his duty and injured while in the discharge of that duty without any fault on his part, or whether this burden shall be placed upon some public or private charity so that this man and his family may be cared for. We have recently passed a bill here to pay a large sum of money to an employee of the Government who fell down an elevator shaft.

We have also passed at this session of Congress, I think, a bill providing for the payment to another who fell down an elevator shaft in the Capitol building itself, and we have recommended two bills to-day similar in character to this one. I suggest to the members of this committee that I believe a no more meritorious measure has been presented during the sitting of the committee, and I trust it will meet with approval.

Mr. COWHERD. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MILLER. Certainly.

Mr. COWHERD. As I understand, this case has never been before any court.

Mr. MILLER. This case has never been before any court.

Mr. COWHERD. Does the gentleman think it is wise in actions of tort such as this for a committee to pass upon the question of negligence and the question of the amount of damages, and everything of that sort, without submitting it to a court?

Mr. MILLER. We are not applying the rules of negligence in this case, Mr. Chairman. This committee has carefully considered this bill, and believes it is an equitable measure and ought to pass.

Mr. COWHERD. Does not the gentleman think it would be better if we submitted these cases to a court with the power of a court to pass upon those questions and find whether there was negligence?

Mr. MILLER. That might be a good plan if that had been the invariable rule of the committee or of the House, but I suggest this bill ought to stand on its merits and receive the same favorable consideration that other bills similar in character have received.

Mr. COWHERD. Well, the trouble is that the House does not get a chance to find out what the merits are.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. CANNON. Mr. Chairman, it is bad for a man to lose the sight of his eyes. It is bad for him to become blind. There is no doubt about that. Everybody has sympathy for a man who has that kind of misfortune, no matter whether the man is in the employ of the Government or out of its employ. But as I understand it, the Government of the United States has always declined to pension its civil employees, and where one in the military or naval service of the Government is pensioned we have always maintained that in order to receive the pension he must have been injured in the line of his duty in that military or naval service. Gentlemen all understand that.

Now, what is this case? As stated by the gentleman in charge of the bill, a man in the employ of the Government, working at the anvil, receives an injury to the eye from a piece of steel knocked off by a hammer in the hands of a coemployee. There is no proof of negligence. On the contrary, it is put upon the ground that negligence cuts no figure in this case. So says the gentleman from Michigan [Mr. WEEKS] in my hearing, and so did my friend the gentleman from Kansas.

Mr. MILLER. If the gentleman from Illinois will yield, as I said, the testimony before this committee shows conclusively that there was negligence of the coemployee. In place of striking a fair blow with the hammer he struck a side blow with the hammer, and it was by this side blow of the hammer that a piece of steel was caused to fly off and fly into the eye of the faithful and efficient workman, who was doing his part and doing it well.

Mr. CANNON. Let us see. Here is the statement:

And while working in the line of his duty his left eye was destroyed by the stroke of a small piece of steel, cast off from the hammer of a fellow-workman by reason of a side blow struck upon an iron band that they were engaged in placing upon a wooden body. There was some showing before the committee to the effect that the stroke was negligent.

Now, there was "some showing." Was there a cross-examination of the witness? Was there any inquiry made—

Mr. MILLER. If the gentleman from Illinois will yield—

Mr. CANNON. Yes.

Mr. MILLER. I desire to say that the affidavits of a number of persons in the employ of the Government, who were familiar with the accident and how it occurred, were filed with our committee, and the gentleman will find in some of those affidavits accompanying this report the statement that there was negligence. The affidavit of John H. Swain himself, who was the one who struck the blow, contains the following statement:

I was Mr. Hooper's helper for about two years, from 1893 to 1894. On the 1st day of August, 1894, about 1.30 p. m., Mr. Hooper was putting an iron band on a wooden body. I was striking for Mr. Hooper with a sledge hammer on the tool with which he was holding on the band, when my sledge

hammer fell sideways, striking the tool and cutting a piece of steel out of it, which flew into Mr. Hooper's left eye. Mr. Hooper dropped everything, walked over to his anvil, and said his eye was gone. I saw the blood drop on the anvil.

Mr. CANNON. It fell sideways. Was that negligence? My friend says he thinks it was. This man who made the statement does not so claim.

Now, I am perfectly willing that this bill should pass with a limitation of recovery of \$5,000 if the gentleman will amend it so as to send it to the Court of Claims and let the Court of Claims render a judgment for not exceeding \$5,000, provided that negligence on the part of a coemployee appears. That is going a great way; yes. My friend here says a corporation would not be liable, or an employer would not be liable under the same circumstances. That is true, but if there was no negligence certainly there can be no shade of equity in the premises. I will ask my friend the gentleman from Kansas [Mr. MILLER] if he does not feel at liberty to offer an amendment sending the case to the Court of Claims?

Mr. WEEKS. Mr. Chairman—

Mr. CANNON. I will yield to the gentleman from Michigan.

Mr. WEEKS. I did make the statement quoted by the gentleman from Illinois, that the question of negligence was not or ought not to be considered or involved in this case. I think it is not. I purposely made that statement in the hearing of the gentleman because I thought the House of Representatives, representing the people of this great nation, could not afford to apply the technical rules of evidence and of law as we find it administered in the courts, touching the question of negligence of coemployees or contributory negligence.

I wish to call the attention of the committee to the case which we passed a few moments ago (the Goldsborough case), where a military surgeon contracted blood poisoning from an operation upon a negro sailor. Was there any negligence in that case on the part of the Government? And yet this House voted unanimously to pay the widow \$5,000, where there was no possible pretense of negligence on the part of the Government or anyone else. At the last session of Congress we voted to pay \$5,000, more or less, for an injury to a man injured in an elevator in the Treasury building, an employee of the Government, where there could be no pretense of negligence on the part of the Government or of a coemployee of the Government. And in the Ford's Theater case that we voted upon a few moments ago, granting \$5,000 to the widow of a man who was injured in the collapse of that building, who died five years afterwards of heart disease, the same remark applies. Nobody raised the question.

I am interested in this case because I like to see this Government generous in a matter of this kind, not technical, not small and close, not applying the rigid rules of evidence and of law where an accident occurs to a person who in the Government employ receives an injury without fault of his own and without fault on the part of the Government, so long as it is shown that he has received substantial injury and is in need of the assistance of the Government on that account. This is not the grant of a civil pension, to which the gentleman from Illinois [Mr. CANNON] likens it. It is not the payment of a strictly legal claim, which must be proven by the strict rules of evidence and according to the technical rules of law, but rather it is a generous gratuity on the part of the Government to compensate its employee for injuries which are the result of an inexplicable and absolutely unavoidable accident without fault on either side.

There is a case now pending on to-day's Calendar of a young woman working in one of the armories where the Government was manufacturing gun cartridges. She suffered the loss of her eye and the loss of her hand by the explosion of a cartridge in her hand, a thing, as I am told, never heard of before or since. Are you going to apply the strict rule of evidence, that she must have proof of negligence of the Government, in that case? There is another case of a man who lost his leg. That case was expected to be put before the House this afternoon. It is on to-day's Calendar. The man suffered amputation of his leg. It was the result of an accident without fault on either side.

The injury was no fault of his own, and no negligence was attributable to coemployees. It was one of those unexplainable accidents which occur, just like the explosion which occurred a few days ago in the turret of the *Massachusetts*. Suppose a claim is presented here against the Government for injuries received there. I say that in such cases we ought not to apply the strict rules of evidence or of law which would be expected in a court in a suit brought by an employee to recover from a corporation or individual, where all the technicalities of law and fact are invoked by the defense.

Mr. CANNON. I will ask the gentleman, because I have time, does he claim, even in the military service, in the performance of ordinary duty, if a man is injured, he should have \$5,000, in war or peace?

Mr. WEEKS. That is a different case entirely.

Mr. GRAFF. Has the gentleman prepared his amendment?

Mr. CANNON. No; I have not. My friend is more expert than I am in a matter of that kind. Now, if every time we are sorry for some one who is hurt in the employ of the United States and take \$5,000 out of the Treasury, why then let us make it go all around, and with much greater plausibility should it be given to the man who is not employed by the Government than the man who is, because the man who is not employed by the Government and has an accident works at a less wage, and in addition has to contribute by taxation to the man who is employed by the Government. Now, if we are going to try to be merciful and treat everybody, why let us treat all alike. The Ford's Theater case, that the gentleman refers to, was a case of well-defined negligence, showed beyond question, and to that degree that Congress thought proper to make compensation. I yield to the gentleman.

Mr. MILLER. Mr. Chairman, I simply want to say that there is a good reason why I do not accept the suggestion that this case go to the Court of Claims. This claimant is poor—in absolute poverty—without any means with which to employ counsel to take his case to the Court of Claims and prosecute it there; and we might as well defeat the bill in the House to-day as order him to take his claim to the Court of Claims. For that reason I have not felt at liberty to offer an amendment to that effect. I want to say further that nearly all the railroad companies in the country take care of their employees except in cases where the injury is received on account of the negligence of the employees. If the railroad companies do this for their employees, why ought not the Government of the United States as willingly care for its employees? I simply ask a vote upon this question.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 49, noes 24.

So the bill was ordered to be laid aside with a favorable recommendation.

ROBERT BRIGHAM.

Mr. GRAFF. Mr. Chairman, I call up the bill (H. R. 1517) for the relief of Robert Brigham. After the consideration of this bill I shall move that the committee rise.

The Clerk read as follows:

A bill (H. R. 1517) for the relief of Robert Brigham.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Robert Brigham, late postmaster at Franklin, Pa., the sum of \$2,666.83, out of any money in the Treasury not otherwise appropriated, the same being amount lost through the failure of Venango National Bank, where such money was deposited by order of the Postmaster-General.

The amendment recommended by the committee was read, as follows:

In lines 5 and 6 strike out the following words: "two thousand six hundred and sixty-six dollars and ninety-three" and insert in lieu thereof the words "two thousand two hundred and sixty-six dollars and eighty-nine."

Mr. GRAFF. I yield to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, I will take but a moment in the explanation of this bill. It is a bill which has been before Congress for many years, and has been reported favorably by the committees of the House and the Senate in many Congresses. It has always been unanimously reported. Mr. Brigham, who is upward of 80 years of age, when he assumed the duties of postmaster at Franklin, Pa., was a man of independent fortune, as fortunes were then counted. When he left that position he was bankrupt. From being a small office it grew to be the third largest office in the State of Pennsylvania. He fitted the post-office up at his own expense. When the fire that swept through Oil Town destroyed that office it destroyed the fittings for which he had paid and for which he had received no recompense.

Hon. C. V. Culver, of the firm of Culver, Penn & Co., was then a member of the House of Representatives. Mr. Brigham was keeping his account with a banker, father-in-law of Major McDowell, Clerk of the House of Representatives. Mr. McDowell was a clerk for Mr. Brigham. Mr. Culver went to the Postmaster-General and asked that Brigham be instructed to keep his account with Culver, Penn & Co., and that order was made by the Postmaster-General. Mr. McDowell has seen the original order, being then a clerk in the office.

The account was transferred from Mr. Brigham's banker, who was also the bondsman of Culver, Penn & Co. That bank a few days afterwards failed, and Mr. Brigham was compelled to

make good in the sum of \$2,666. He was in no way negligent by any act of his own. It seems to me that the equities, as well as the law, are so strong in this case that there should be no further delay. If any gentleman will read the report I do not think he will object to the passage of this bill.

Mr. SMITH of Kentucky. Will the gentleman allow me a question?

Mr. SIBLEY. Yes.

Mr. SMITH of Kentucky. I see in the gentleman's statement he says that the loss was \$2,666. The bill seems to be for a less amount.

Mr. SIBLEY. There was a dividend afterwards from Culver, Penn & Co. of 15 per cent, reducing the total by that amount.

The committee amendment was considered and agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills upon the Private Calendar and instructed him to report certain Senate bills without amendments, a Senate bill with amendment; also, certain House bills with amendments and certain others without amendments, with the recommendation that the amendments be agreed to and that the bills do pass, as follows:

SENATE BILLS WITHOUT AMENDMENT.

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

S. 903. An act for the relief of William D. Rutan;

S. 916. An act for the relief of Clara H. Fulford;

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fehét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

S. 5079. An act for the relief of George P. White;

S. 1206. An act for the relief of Frank J. Burrows;

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy;

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

S. 3555. An act for the relief of William Dugdale;

S. 3401. An act for the relief of H. Glafcke;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom;

S. 475. An act to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due.

S. 2216. An act for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

S. 1928. An act for the relief of G. H. Sowder; and

S. 3546. An act for the relief of L. A. Noyes.

HOUSE BILLS AMENDED.

A bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail;

A bill (H. R. 7792) for the relief of John L. Young (title amended);

A bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of the contestant in the contest entitled "Koonce against Grady";

A bill (H. R. 6637) for the relief of Col. H. B. Freeman;

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

A bill (H. R. 7361) for the relief of C. W. Colehour;

A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

A bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs (title amended);

A bill (H. R. 11205) for the relief of I. R. Harkrader;

A bill (H. R. 14164) for the relief of Charles W. Carr;

A bill (H. R. 10921) for the relief of Charles A. Cutler;

A bill (H. R. 2637) for the relief of Charles R. Hooper; and

A bill (H. R. 1517) for the relief of Robert Brigham.

HOUSE BILLS WITHOUT AMENDMENT.

A bill (H. R. 10678) for the relief of the Florida Brewing Company;

A bill (H. R. 6714) for the relief of Alexander S. Rosenthal;

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others;

A bill (H. R. 12075) for the relief of Jacob Swigert, late deputy collector, Seventh Kentucky district;

A bill (H. R. 2422) for the relief of Edward S. Crill;

A bill (H. R. 8186) for the relief of John D. Chadwick;

A bill (H. R. 14357) for the relief of Paymaster James E. Tol-free, United States Navy;

A bill (H. R. 7864) to pay John F. Lawson \$237.96, balance due him for services as United States mail carrier;

A bill (H. R. 4178) for the relief of Austin A. Yates;

A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York;

A bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

A bill (H. R. 3385) for the relief of George C. Ellison;

A bill (H. R. 11340) for the relief of McClure & Willbanks;

A bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall;

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa; and

A bill (H. R. 1749) for the relief of Katie A. Nolan.

SENATE BILL AMENDED.

S. 3421. An act for the relief of Eleonora G. Goldsborough.

Mr. OLMSTED also reported that the committee had instructed him to report the House bill 2413 with the recommendation that it lie on the table.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered upon the various bills which have been reported to the House with the amendments to their passage.

Mr. PAYNE. Mr. Speaker, I shall have to object to that.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the previous question be ordered on the bills and amendments to their passage, and the gentleman from New York objects.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I suggest that the gentleman from New York single out the bill that he objects to and let the previous question be ordered upon the others.

Mr. GRAFF. Yes; I suggest that the gentleman from New York select such bills as he objects to.

Mr. PAYNE. I think we had better take them in their order.

Mr. GRAFF. I will ask, Mr. Speaker, whether it would be proper for me to make a motion to that effect. I move that the previous question be ordered on all the bills that have been reported and the amendments thereto to their passage.

The SPEAKER pro tempore. That motion is not in order. Without objection, the bill (H. R. 3413) for the relief of Frank J. Burrows will lie on the table.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCARBOROUGH, for one week, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. GRAFF. I hope that motion will be voted down.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—34 ayes and 61 noes.

So the House refused to adjourn.

Mr. GRAFF. Mr. Speaker, I move that we take a recess until half past 10 to-morrow morning, for the purpose of considering the bills which have been reported from the Private Calendar.

The SPEAKER pro tempore. So far as the latter part of the motion is concerned, it is not in order.

Mr. GRAFF. Then I will modify it by moving that we take a recess until 10.30 to-morrow morning.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House take a recess until half past 10 to-morrow morning.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—74 ayes and 5 noes.

Mr. PAYNE. No quorum, Mr. Speaker.

The SPEAKER pro tempore (having counted the House). One hundred members are present—less than a quorum.

Mr. RICHARDSON of Tennessee. I ask for the application of the rule which requires a call of the yeas and nays under the present circumstances.

The SPEAKER pro tempore. The Doorkeeper will close the doors; and the Sergeant-at-Arms will bring in absent members. The roll will now be called. As many as are in favor of taking a recess will, as their names are called, answer "aye;" contrary opinion, "no." Members so desiring will be recorded as "present."

The question was taken; and there were on the roll, as finally

made up—yeas 152, nays 9, answered "present" 20, not voting 172; as follows:

YEAS—152.

Adamson,	Draper,	Lever,	Shattuc,
Allen, Ky.	Elliott,	Lewis, Pa.	Sheppard,
Allen, Me.	Feely,	Little,	Showalter,
Aplin,	Finley,	Livingston,	Sibley,
Barney,	Flanagan,	Lloyd,	Sims,
Bartholdt,	Foster, Ill.	Lovering,	Skiles,
Bates,	Foster, Vt.	McAndrews,	Slayden,
Beidler,	Gaines, Tenn.	McLain,	Small,
Benton,	Gaines, W. Va.	Maddox,	Smith, Ill.
Billmeyer,	Gibson,	Mahoney,	Smith, Iowa.
Boreing,	Glass,	Marshall,	Smith, H. C.
Bowie,	Glenn,	Martin,	Smith, S. W.
Brandegge,	Gooch,	Mickey,	Smith, Wm. Alden
Brantley,	Graff,	Miers, Ind.	Snodgrass,
Broussard,	Griffith,	Miller,	Snook,
Brown,	Grosvenor,	Minor,	Sparkman,
Brundidge,	Hamilton,	Monell,	Sperry,
Burk, Pa.	Haugen,	Moody, Oreg.	Spight,
Burke, S. Dak.	Hedge,	Moon,	Stephens, Tex.
Butler, Pa.	Hepburn,	Morgan,	Stewart, N. Y.
Candler,	Hildebrandt,	Mutcher,	Sutherland,
Cassel,	Hill,	Needham,	Swanson,
Clark,	Holliday,	Olmsted,	Tate,
Clayton,	Howard,	Otjen,	Taylor, Ohio.
Cooper, Wis.	Irwin,	Overstreet,	Thomas, Iowa.
Corfiss,	Johnson,	Padgett,	Thomas, N. C.
Cowherd,	Jones, Wash.	Palmer,	Tompkins, N. Y.
Cromer,	Kehoe,	Patterson, Pa.	Vandiver,
Crowley,	Kitchin, Claude	Patterson, Tenn.	Van Voorhis,
Crumpacker,	Kitchin, Wm. W.	Randell, Tex.	Wanger,
Currier,	Kleberg,	Reeder,	Warnock,
Cushman,	Klutz,	Reid,	Watson,
Dahle,	Knapp,	Rhea,	Wiley,
Darragh,	Kyle,	Richardson, Ala.	Williams, Ill.
De Armond,	Lacey,	Richardson, Tenn.	Williams, Miss.
Deemer,	Landis,	Robb,	Woods,
Dinsmore,	Lawrence,	Roberts,	Wright,
Dovener,	Lester,	Robinson, Ind.	Zenor.

NAYS—9.

Burton,	Dalzell,	Littlefield,	Payne,
Cannon,	Kern,	McRae,	Smith, Ky.
Conner,			

ANSWERED "PRESENT"—20.

Brownlow,	Cooper, Tex.	Jackson, Kans.	Meyer, La.
Burkett,	Foss,	Jenkins,	Norton,
Cassingham,	Gill,	Latimer,	Scarborough,
Cochran,	Greene, Mass.	Loud,	Thompson,
Conry,	Griggs,	Mann,	Tirrell.

NOT VOTING—172.

Acheson,	Driscoll,	Jones, Va.	Rixey,
Adams,	Dwight,	Joy,	Robertson, La.
Alexander,	Eddy,	Kahn,	Robinson, Nebr.
Babcock,	Edwards,	Ketcham,	Rucker,
Bail, Del.	Emerson,	Knox,	Rumple,
Bail, Tex.	Esch,	Lamb,	Ruppert,
Bankhead,	Evans,	Lassiter,	Russell,
Bartlett,	Fitzgerald,	Lessler,	Ryan,
Bell,	Fleming,	Lewis, Ga.	Schirm,
Bellamy,	Fletcher,	Lindsay,	Scott,
Belmont,	Flood,	Littauer,	Selby,
Bingham,	Foerderer,	Long,	Shackleford,
Bishop,	Fordner,	Loudenslager,	Shafroth,
Blackburn,	Fowler,	McCall,	Shallenberger
Blakeney,	Fox,	McCleary,	Shelden,
Boutell,	Gardner, Mass.	McClellan,	Sherman,
Bowersock,	Gardner, Mich.	McCulloch,	Southard,
Breazeale,	Gardner, N. J.	McDermott,	Southwick,
Brick,	Gilbert,	McLachlan,	Stark,
Bristow,	Gillet, N. Y.	Mahon,	Steele,
Bromwell,	Gillet, Mass.	Maynard,	Stevens, Minn.
Bull,	Goldfogle,	Mercer,	Stewart, N. J.
Burgess,	Gordon,	Metcalf,	Storm,
Burleigh,	Graham,	Moody, N. C.	Sulloway,
Burleson,	Green, Pa.	Morrell,	Sulzer,
Burnett,	Grow,	Morris,	Swann,
Butler, Mo.,	Hanbury,	Moss,	Talbert,
Caldwell,	Haskins,	Mudd,	Tawney,
Capron,	Hay,	Napen,	Taylor, Ala.
Connell,	Heatwole,	Neville,	Thayer,
Coombs,	Hemenway,	Nevin,	Tompkins, Ohio.
Cooney,	Henry, Conn.	Newlands,	Trimble,
Cousins,	Henry, Miss.	Parker,	Underwood,
Creamer,	Henry, Tex.	Pearre,	Vreeland,
Curtis,	Hitt,	Perkins,	Wachter,
Davey, La.	Hooker,	Pierce,	Wadsworth,
Davidson,	Hopkins,	Pou,	Warner,
Davis, Fla.	Howell,	Powers, Me.,	Weeks,
Dayton,	Hughes,	Powers, Mass.	Wheeler,
Dick,	Hull,	Prince,	White,
Dougherty,	Jack,	Pugsley,	Wilson,
Douglas,	Jackson, Md.	Ransdell, La.	Wooten,
	Jett,	Reeves,	Young.

Mr. CASSINGHAM. Finding I am paired with the gentleman from Ohio, Mr. BROMWELL, who is not present, I withdraw my vote, which was cast in the affirmative, and ask to be recorded "present."

The following pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KAHN with Mr. BELMONT.

Mr. BOUTELL with Mr. GRIGGS.
 Until further notice:
 Mr. HASKINS with Mr. FOX.
 Mr. DAVIDSON with Mr. SELBY.
 Mr. SOUTHWICK with Mr. NORTON.
 Mr. BARNEY with Mr. THOMPSON of Alabama.
 Mr. LONG with Mr. NEWLANDS.
 Mr. BOWERSOCK with Mr. BURNETT.
 Mr. METCALF with Mr. WHEELER.
 Mr. VAN VOORHIS with Mr. GORDON.
 For one week:
 Mr. SCOTT with Mr. JACKSON of Kansas.
 Until Wednesday next:
 Mr. PRINCE with Mr. CALDWELL.
 Until Friday next:
 Mr. TAYLER of Ohio with Mr. RIXEY.
 For the balance of the week:
 Mr. STORM with Mr. PUGSLEY.
 For this day:
 Mr. BRICK with Mr. POU.
 Mr. MORRIS with Mr. ROBERTSON of Louisiana.
 Mr. MUDD with Mr. RYAN.
 Mr. McLACHLAN with Mr. RANDELL of Louisiana.
 Mr. FOWLER with Mr. MAYNARD.
 Mr. DRISCOLL with Mr. HENRY of Mississippi.
 Mr. PEARRE with Mr. BURGESS.
 Mr. HOWELL with Mr. TALBERT.
 Mr. HOPKINS with Mr. THAYER.
 Mr. DWIGHT with Mr. TAYLOR of Alabama.
 Mr. FORDNEY with Mr. TRIMBLE.
 Mr. BURLEIGH with Mr. WHITE.
 Mr. GILLET with Mr. FLEMING.
 Mr. WADSWORTH with Mr. LASSITER.
 Mr. JACKSON of Maryland with Mr. BELLAMY.
 Mr. ESCH with Mr. LEWIS of Georgia.
 Mr. NEVIN with Mr. McDERMOTT.
 Mr. BULL with Mr. FLOOD.
 Mr. FOERDERER with Mr. UNDERWOOD.
 Mr. CURTIS with Mr. SULZER.
 Mr. MERCER with Mr. RUSSELL.
 Mr. MOODY of North Carolina with Mr. SHACKLEFORD.
 Mr. ADAMS with Mr. BALL.
 Mr. VREELAND with Mr. HAY.
 Mr. ACHESON with Mr. SHALLENBERGER.
 Mr. SCHIRM with Mr. NEVILLE.
 Mr. BRISTOW with Mr. STARK.
 Mr. LITTAUER with Mr. RUCKER.
 Mr. DOUGLAS with Mr. WILSON.
 Mr. JOY with Mr. HOOKER.
 Mr. MCCALL with Mr. McCLELLAN.
 Mr. EVANS with Mr. GOLDFOGLE.
 Mr. CONNELL with Mr. BUTLER of Missouri.
 Mr. HEMENWAY with Mr. BELL.
 Mr. GILL with Mr. EDWARDS.
 Mr. HITT with Mr. DOUGHERTY.
 Mr. COUSINS with Mr. CREAMER.
 Mr. DICK with Mr. DAVIS of Florida.
 Mr. STEELE with Mr. COOPER of Texas.
 Mr. HULL with Mr. LAMB.
 Mr. JENKINS with Mr. ROBINSON of Nebraska.
 Mr. CAPRON with Mr. FITZGERALD.
 Mr. HEATWOLE with Mr. HENRY of Texas.
 Mr. YOUNG with Mr. GILBERT.
 Mr. GARDNER of Michigan with Mr. WOOTEN.
 Mr. BABCOCK with Mr. BURLESON.
 Mr. TAWNEY with Mr. BARTLETT.
 Mr. SOUTHWICK with Mr. JONES of Virginia.
 Mr. EMERSON with Mr. BREAZEALE.
 Mr. BINGHAM with Mr. McCULLOCH.
 Mr. KETCHAM with Mr. NAPHEN.
 Mr. BALL of Delaware with Mr. SWANN.
 Mr. HENRY of Connecticut with Mr. LINDSAY.
 Mr. ALEXANDER with Mr. BANKHEAD.
 Mr. RUMPLE with Mr. SHAFROTH.

On this vote:

Mr. MANN with Mr. JETT.

Mr. JACK with Mr. SCARBOROUGH.

Mr. GRIGGS. Mr. Speaker, I would like to change my vote from "aye" to "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. GRIGGS was called, and he answered "present."

Mr. MEYER of Louisiana. Mr. Speaker, I would like to change my vote from "aye" to "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. MEYER of Louisiana was called, and he answered "present."

The SPEAKER pro tempore. On this question the yeas are 104, nays 6, present 8, total 118; being 59 members short of a quorum.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Ordered, That the Sergeant-at-Arms of the House be directed to take into custody and bring to the bar of the House such of the members as are absent without leave of the House.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Tennessee to section 4 of Rule XV, which the Clerk will read.

The Clerk read as follows:

4. Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded.

If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Under that rule it is the duty of the Sergeant-at-Arms to begin the arrest of members and bring them in. I would like to inquire if the Sergeant-at-Arms is discharging his duty.

The SPEAKER pro tempore. The Chair is so informed. The Chair is of opinion that the Sergeant-at-Arms has just as much authority under this rule as he would have under the resolution offered by the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I concede that, if the Sergeant-at-Arms is discharging his duty.

The SPEAKER pro tempore. The Chair is advised that he is now in the performance of his duty.

Mr. RICHARDSON of Tennessee. The assurance of the Speaker is sufficient.

Pending the announcement of the call, the following occurred:

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. A number of members have voted since the count was announced. May we not be told how many we lack of a quorum?

The SPEAKER pro tempore. If there is no objection, the Chair will state. The Clerk reports 56 members lacking to constitute a quorum.

Mr. RICHARDSON of Tennessee. May I ask as a parliamentary inquiry what number the Chair holds necessary to constitute a quorum?

The SPEAKER pro tempore. One hundred and seventy-eight at the present time, the Chair is informed.

Mr. RICHARDSON of Tennessee. I only want to remark that it is very curious, with a majority of 45 in the House, that the Republican party can not furnish a quorum to transact business.

The SPEAKER pro tempore. The gentleman is not in order.

Mr. GAINES of Tennessee. If it was to remit tariff duties on tea and one thing and another, it would be all right.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Is it out of order to discuss the present situation?

The SPEAKER pro tempore. The gentleman may discuss any matter in relation to the attendance of a quorum.

Mr. WILLIAMS of Mississippi. Well, that is what the gentleman from Tennessee [Mr. RICHARDSON] wanted to do.

The SPEAKER pro tempore. Of course the Chair would say that it would be necessary to have some proposition pending before any debate would be in order.

Mr. GRAFF. It is the absence of members.

Mr. WILLIAMS of Mississippi. I think it is in order to discuss the present situation and to inquire how it has come about, and to express our wonder at the general curiousness of the situation. It seems to me it is absolutely in order to express our wonder at the fact that the Republican party, which is the party to do business

always, is without a quorum in a House in which it has some forty or fifty majority.

The SPEAKER pro tempore. The Chair thinks the gentleman is not in order.

Mr. WILLIAMS of Mississippi. Well, that was all a part of my parliamentary inquiry, Mr. Speaker. Would it be in order to appeal from the decision of the Chair?

The SPEAKER pro tempore. I presume an appeal would lie.

Mr. WILLIAMS of Mississippi. I withdraw the appeal.

[Laughter.]
Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GAINES of Tennessee. What I desire to know, Mr. Speaker, is how it is, in the year of our Lord one thousand nine hundred and two, we have the Republican party— [Laughter.]

Mr. OLMSTED. Mr. Speaker, the gentleman is always a year behind. [Laughter.]

The result of the vote was announced as above recorded.

Accordingly (at 8 o'clock p. m.) the House took a recess until Saturday, January 31, at 10.30 o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House, at 10.30 o'clock a. m. Saturday, January 31, 1903, was called to order by Mr. DALZELL as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the first bill in order from the Committee of the Whole.

ELEANORA G. GOLDSBOROUGH.

The first business was the bill (S. 3421) for the relief of Eleonora G. Goldsborough, reported from the Committee of the Whole with an amendment.

The SPEAKER pro tempore. The question is on the amendment.

Mr. PAYNE. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. GRAFF] that as to that bill and a number of others it will be necessary to have a quorum before they can be passed. I suggest to him that the bill be passed over without prejudice, so that the others on the list may be disposed of.

Mr. GRAFF. I understand, Mr. Speaker, that that will not prejudice the status of the claim or its consideration, except as to the order of its passage.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to pass without prejudice the pending bill. Is there objection?

There was no objection.

SENATE BILLS WITHOUT AMENDMENT PASSED.

The following Senate bills, favorably reported from the Committee of the Whole without amendment, were severally ordered to a third reading, read the third time, and passed:

S. 1672. An act for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

S. 903. An act for the relief of William D. Rutan;

S. 916. An act for the relief of Clara H. Fulford;

S. 679. An act directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fehét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

S. 5079. An act for the relief of George P. White;

S. 1206. An act for the relief of Frank J. Burrows;

S. 6034. An act raising the rank of Chief Engineer David Smith on the retired list of the Navy;

S. 3748. An act for the relief of M. L. Cobb, administrator of W. W. Cobb, deceased;

S. 3555. An act for the relief of William Dugdale;

S. 3401. An act for the relief of H. Glafcke;

S. 111. An act for the relief of William J. Smith and D. M. Wisdom; and

S. 1928. An act for the relief of G. H. Sowder.

BILLS PASSED OVER WITHOUT PREJUDICE.

By unanimous consent, at the request of Mr. PAYNE, the following bills were passed over without prejudice:

S. 475. An act to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due;

S. 2316. An act for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased;

A bill (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail;

A bill (H. R. 7792) for the relief of John L. Young (title amended); and

S. 3546. An act for the relief of L. A. Noyes.

HOUSE BILLS WITH AMENDMENTS PASSED.

The following House bills reported from the Committee of the Whole with amendments were severally considered, the amend-

ments reported from the Committee of the Whole agreed to, and the bills as amended ordered to be engrossed and read a third time, were read the third time, and passed:

A bill (H. R. 4240) authorizing the Secretary of the Treasury to defray the expenses of the contestant in the contest entitled "Koonce against Grady;"

A bill (H. R. 6637) for the relief of Col. H. B. Freeman;

A bill (H. R. 12064) for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

A bill (H. R. 7361) for the relief of C. W. Colehour;

A bill (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others;

A bill (H. R. 10938) to reimburse certain persons the amount of expenses incurred and losses sustained by reason of the seizure of certain fraudulently stamped cigars sold them by W. M. Jacobs (title amended);

A bill (H. R. 11205) for the relief of I. R. Harkrader;

A bill (H. R. 14164) for the relief of Charles W. Carr;

A bill (H. R. 10921) for the relief of Charles A. Cutler; and

A bill (H. R. 1517) for the relief of Robert Brigham.

CHARLES R. HOOPER.

The next business was the bill (H. R. 2637) for the relief of Charles R. Hooper, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. PAYNE. Mr. Speaker, that is one of the bills I meant to have put over.

Mr. GRAFF. What is the nature of that bill?

Mr. PAYNE. That is the bill for the benefit of the man who lost his eye in the blacksmith shop. It will require a quorum to pass that bill. I suggest that it go over on the third reading.

Mr. GRAFF. Then I ask unanimous consent that that go over.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the further consideration of this bill be postponed without prejudice. Is there objection?

There was no objection.

COL. H. B. FREEMAN.

The next business was the bill (H. R. 6637) for the relief of Col. H. B. Freeman, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Subsequently the following occurred:

Mr. GRAFF. Mr. Speaker, a little while ago we passed the bill (H. R. 6637) for the relief of Col. H. B. Freeman. There is a Senate bill which is identical with this House bill, and I ask unanimous consent to reconsider the vote by which the House bill was passed.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to vacate the order by which the bill H. R. 6637 was passed and to substitute therefor the bill S. 4832, which is identical in terms. Is there objection?

There was no objection.

The bill (S. 4832) for the relief of Col. H. B. Freeman was ordered to a third reading; and it was accordingly read the third time, and passed.

By unanimous consent, on motion of Mr. GRAFF, the bill (H. R. 6637) was ordered to lie on the table.

HOUSE BILLS PASSED WITHOUT AMENDMENT.

House bills of the following titles, reported from the Committee of the Whole, were severally ordered to be engrossed for a third reading; and, being engrossed, were accordingly read the third time, and passed.

A bill (H. R. 10678) for relief of the Florida Brewing Company;

A bill (H. R. 6714) for the relief of Alexander S. Rosenthal;

A bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others;

A bill (H. R. 12075) for the relief of Jacob Swigert, late deputy collector, seventh Kentucky district;

A bill (H. R. 2422) for the relief of Edward S. Crill;

A bill (H. R. 8186) for the relief of John D. Chadwick;

A bill (H. R. 4178) for the relief of Austin A. Yates;

A bill (H. R. 13703) for the relief of N. F. Palmer, jr., & Co., of New York;

A bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

A bill (H. R. 11340) for the relief of McClure and Willbanks;

A bill (H. R. 7007) for the relief of the legal representatives of Maj. William Kendall; and

A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa.

PAYMASTER JAMES E. TOLFREE.

The next business reported from the Committee of the Whole was the bill (H. R. 14357) for the relief of Paymaster James E. Tolfree, United States Navy.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Senate bill offered for the relief of Paymaster Tolfree, the bill S. 5724, be substituted for this bill and passed.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks consent to discharge the Committee on Claims from the further consideration of the bill S. 5724 and substitute it for the House bill just reported. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. BUTLER. Mr. Speaker, I move that the House bill 14357 lie on the table.

The SPEAKER pro tempore. Without objection the corresponding House bill will lie on the table.

There was no objection.

JOHN F. LAWSON.

The next business reported from the Committee of the Whole was the bill (H. R. 7864) to pay John F. Lawson \$237.96, balance due him for services as United States mail carrier.

Mr. PAYNE. Mr. Speaker, I ask that that bill also be passed without prejudice.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

GEORGE C. ELLISON.

The next business reported from the Committee of the Whole was the bill (H. R. 3385) for the relief of George C. Ellison.

Mr. COWHERD. Mr. Chairman, I ask that that bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

KATIE A. NOLAN.

The next business reported from the Committee of the Whole was the bill (H. R. 1749) for the relief of Katie A. Nolan.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4308, which is identical, for that bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to discharge the Committee on Claims from the consideration of the Senate bill and to substitute the Senate bill for the bill just reported. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (S. 4308) for the relief of Katie A. Nolan.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SLAYDEN. Mr. Speaker, I move to lay the House bill on the table.

The SPEAKER pro tempore. Without objection, the corresponding House bill will lie on the table.

There was no objection.

The SPEAKER pro tempore. This ends the unobjected bills. The Clerk will report the first bill laid aside without prejudice.

Mr. GRAFF. Mr. Speaker, I move the previous question be ordered on all the various bills and amendments to their passage.

Mr. PAYNE. I make the point of order on that.

The SPEAKER pro tempore. That motion is not in order.

Mr. RICHARDSON of Tennessee (to Mr. GRAFF). Move to reconsider the votes by which the various bills were passed.

Mr. GRAFF. That is what I intended to do. I move to reconsider the several votes by which the various bills were passed, and also move to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves to reconsider the votes by which the various bills were passed, and also moves to lay that motion on the table. Without objection, that order will be made.

There was no objection.

Mr. PAYNE. Mr. Speaker, there was a bill reported unfavorably, being 3525, for the relief of John B. Phillips. I do not know whether it was acted upon or not.

The SPEAKER pro tempore. Twenty-four hundred and thirteen was laid upon the table yesterday.

Mr. PAYNE. Thirty-five hundred and twenty-five is the number.

Mr. RICHARDSON of Tennessee. I ask for order. We can not hear what is said.

The SPEAKER pro tempore. The House will be in order, and all gentlemen will be seated and cease conversation. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 3421) for the relief of Eleonora G. Goldsborough.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that those bills which have been passed over without prejudice go over until Tuesday of next week, to come up immediately after the reading of the Journal, and be considered, with five minutes' debate upon a side, and then the previous question be considered as ordered.

Mr. GRAFF. I am willing to accept that.

Mr. PAYNE. I would like to have them considered when there is a full House.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bills which have been passed over without prejudice go over until Tuesday of next week, to come up immediately after the reading of the Journal, and be considered, with five minutes' debate upon a side, and then the previous question be considered as ordered.

Mr. LIVINGSTON. I want to ask if there is anything that will interfere with the business of that day?

Mr. PAYNE. I would amend my request if the gentleman is fearful of that—that if there is any special order upon that day that it come up immediately following the conclusion of the special order.

Mr. COWHERD. Five minutes is a very short time for debate.

Mr. PAYNE. I am asked to have ten minutes a side for debate.

Mr. LIVINGSTON. Five minutes on a side is sufficient.

Mr. PAYNE. I think five minutes will be sufficient.

Mr. MADDOX. I would like to have five minutes on that claim myself.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the undisposed bills go over until Tuesday next, to be considered immediately after the reading of the Journal, with debate of five minutes on a side on each bill, and thereafter the previous question to be considered as ordered.

Mr. LIVINGSTON. With the understanding, Mr. Speaker, that if there is anything in the way of a special order in the way that it is to follow after the special order.

Mr. PAYNE. Following any special order.

Mr. MADDOX. I shall object.

The SPEAKER pro tempore. The gentleman adds to his request that if there be a special order, this order shall be in effect immediately after disposing of the special order.

Mr. MADDOX. With ten minutes' debate. I want five.

Mr. PAYNE. I will modify it to ten minutes.

The SPEAKER pro tempore. The gentleman modifies his request to provide debate for ten minutes on each side.

Mr. GILBERT. Mr. Speaker, I want to know if it would be in order to amend the request of the gentleman from New York so as to permit, on next Tuesday, the consideration of three or four bills that were unanimously reported by the Committee on Claims on yesterday and by reason of lack of time went out?

Mr. PAYNE. Oh, I can not consent to that.

Mr. GILBERT. We could get through with three or four other bills in very short order.

Mr. PAYNE. I can not consent. We are giving two days to these bills now.

Mr. LIVINGSTON. We have got you where you can not help yourself.

Mr. PAYNE. Oh, no; you have not got me where I can not help myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GILBERT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the title of the first bill passed without prejudice.

Mr. GILBERT. Mr. Speaker, I withdraw the objection.

Mr. OVERSTREET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OVERSTREET. If this order should be made, would it interfere with any special order which might be made between now and then?

The SPEAKER pro tempore. The Chair thinks not. The request of the gentleman from New York is that if there be a special order, this shall take place immediately on the disposition of that order.

Mr. LIVINGSTON. In other words, Mr. Speaker, we understand that this will remain a special order until closed.

Mr. PAYNE. I want to say to the gentleman from Georgia that I see no loophole. [Laughter.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection, and it is so ordered.

MADISON COUNTY, KY.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4969) for the relief of Madison County, Ky. I have consumed very little time in this House, and I ask it as a special indulgence.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill which the Clerk will report.

Mr. LLOYD. Mr. Speaker, I object.
 Mr. PAYNE. I move that the House do now adjourn.
 The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 77, noes 34.
 So the motion was agreed to.
 Accordingly (at 11 o'clock) the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1902—to the Committee on Patents, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting the annual report of receipts and expenditures and a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17088) to create a new division to the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 3416); which said bill and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16950) for the relief of the State of Iowa, reported the same without amendment, accompanied by a report (No. 3417); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897, reported the same with amendment, accompanied by a report (No. 3418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16727) for the erection of a light-house in Boston Harbor, reported the same with amendment, accompanied by a report (No. 3419); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16846) to promote education in the public marine schools, reported the same without amendment, accompanied by a report (No. 3420); which said bill and report were referred to the House Calendar.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6278) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 3421); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884, reported the same with amendment, accompanied by a report (No. 3422); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15461) for the relief of Daniel F. Lee, reported the same with amendment, accompanied by a report (No. 3425); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2906) to remove

the charge of desertion from record of Edward Montgomery, reported the same without amendment, accompanied by a report (No. 3423); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8071) to remove the charge of desertion from the military record of Anton Ernst, reported the same without amendment, accompanied by a report (No. 3424); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DALZELL: A bill (H. R. 17155) to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 17156) providing for the transfer of persons from the unclassified to the classified service of the United States—to the Committee on Reform in the Civil Service.

By Mr. BURLESON: A bill (H. R. 17157) authorizing the Secretary of Agriculture to gather statistics relating to production of cotton and wheat, and raising revenue to defray the expense thereof—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DWIGHT: A bill (H. R. 17158) granting a pension to Charles W. Parker—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 17159) granting an increase of pension to Henry P. Chambers—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 17160) granting a pension to James H. Pool—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 17161) granting a pension to Rasmus S. Stevens—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 17162) for the relief of the legal representatives of James Follin—to the Committee on War Claims.

Also (by request), a bill (H. R. 17163) for the relief of the legal representatives of Joseph H. Maddox, deceased—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17164) for the relief of Arra M. Farnsworth—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 17165) granting a pension to William T. Edgemon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17166) granting an increase of pension to Daniel W. Woodruff—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of Florence Union, No. 475. Carpenters and Joiners, of Florence, and Operative Plasterers' Union No. 180, of Canon City, Colo., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BRANDEGEE: Resolutions of Central Labor Union of Waterbury, Conn., and Printing Pressmen's Union No. 74, of New Haven, Conn., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, resolutions of Norwich Lodge, No. 62, Order of B'rith Abraham, Norwich, Conn., relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Resolution of the Trades Assembly of Kansas City, Kans., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. DWIGHT: Petition of N. B. Eccleston and W. S. Jones, retail druggists, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of La Crosse, Wis., for the improvement of the Upper Mississippi River to a depth of at least 6 feet at low water between Minneapolis and St. Louis—to the Committee on Rivers and Harbors.

By Mr. GILL: Petition of 39 citizens of Toronto, Ohio, and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. GRIFFITH: Papers to accompany bill relating to the

correction of the military record of William Burke—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of the Woman's Christian Temperance Union of Van Wert, Iowa, to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Communication of Hinton Rowan Helper, relating to the intercontinental railway—to the Committee on Railways and Canals.

By Mr. KERN: Petition of retail druggists, of Collinsville, Ill., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MCANDREWS: Resolution of Carpenters and Joiners' Union No. 181, Type Founders' Union No. 3, and Woodworkers' Union No. 7, all of Chicago, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. MORGAN: Petition of 31 citizens of Gallipolis, Ohio, for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. PALMER: Protest of Wilkesbarre Lodge, No. 158, Order of B'rith Abraham, Wilkesbarre, Pa., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Papers to accompany bill for the relief of the legal heirs of James Fellin, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. SHERMAN: Paper to accompany House bill 16749, for increase of pension of Henry P. Mesick—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 7, of Utica, N. Y., in favor of the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolution of Boot and Shoe Workers' Union of Chicago, Ill., advocating the removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. SPERRY: Resolution of Central Labor Union of Waterbury, Conn., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SPIGHT: Papers to accompany House bill 17124 for the relief of the estate of Elizabeth H. Wellford, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Paper to accompany bill relating to the correction of the military record of Azariah B. Melton—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to Daniel W. Woodruff—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany bill 16453 relating to the correction of the military record of Ernest Brockelman—to the Committee on Military Affairs.

Also, resolutions of the San Francisco Chamber of Commerce, favoring amendment of the navigation laws so as to require masters and chief mates of all vessels over 100 tons to be licensed—to the Committee on the Merchant Marine and Fisheries.

SENATE.

SATURDAY, January 31, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. The Journal is approved.

PUGET SOUND AND LAKES WASHINGTON AND UNION CANAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 21st instant, a letter from the Chief of Engineers, United States Army, together with a report of the Board of Engineers, relative to the surveys, examinations, and investigations necessary to determine the feasibility and advisability of constructing a canal with necessary locks and dams connecting Puget Sound with Lakes Union and Washington, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the receipts and disbursements of the Capital Traction Company, together with a list of the stockholders for the year ended December 31, 1902; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of ORVILLE H. PLATT, chosen by the legislature of the State of Con-

necticut a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

Mr. BURNHAM presented the credentials of JACOB H. GAL-LINGER, chosen by the legislature of the State of New Hampshire a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 111) for the relief of William J. Smith and D. M. Wisdom;

A bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fehét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

A bill (S. 903) for the relief of William D. Rutan;

A bill (S. 916) for the relief of Clara H. Fulford;

A bill (S. 1206) for the relief of Frank J. Burrows;

A bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

A bill (S. 1928) for the relief of G. H. Sowder;

A bill (S. 3401) for the relief of H. Glafce;

A bill (S. 3555) for the relief of William Dugdale;

A bill (S. 4308) for the relief of Katie A. Nolan;

A bill (S. 4832) for the relief of Col. H. B. Freeman;

A bill (S. 5079) for the relief of George P. White;

A bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy; and

A bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3512) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes;

A bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes; and

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Local Union No. 94, American Federation of Labor, of Chicago, Ill., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the petition of Fred Boehme and 80 other citizens of Romeville, Ill., praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the Chicago Federation of Labor, of Chicago, Ill., remonstrating against the repeal of the revenue-stamp tax on eighths kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 416, American Federation of Labor, of Chicago, Ill., and a petition of Amalgamated Wood Workers' Local Union No. 17, American Federation of Labor, of Chicago, Ill., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. KEAN presented a memorial of the Law and Order League of Cape May City, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. Walker Gwynne, of Summit, N. J., praying for the enactment of legislation to recognize and promote the efficiency of chaplains of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Carpenters and Joiners' Local Union No. 330, American Federation of Labor, of Roselle Park, N. J., and a petition of Local Division No. 289, Amalgamated Association of Street Railway Employees, of Hoboken, N. J., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Wendell P. Garrison, of Orange, N. J., and a memorial of the Humane Society of Chicago, Ill., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Washington Mill Company, of Spokane, Wash., praying for the enactment of legislation to recognize and promote the efficiency of